

and any other special orders heretofore made, I may address the House for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker, I ask unanimous consent that on Thursday, after the completion of the special orders heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 28 minutes p. m.) the House adjourned until tomorrow, Tuesday, October 24, 1939, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1105. Under clause 2 of rule XXIV, a letter from the Secretary of War, transmitting a report of designs, aircraft parts, and aeronautical accessories purchased by the War Department, was taken from the Speaker's table and referred to the Committee on Expenditures in the Executive Departments.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANGELL:

H. R. 7592. A bill to require ratification by the Senate of foreign-trade agreements; to the Committee on Ways and Means.

By Mr. RANKIN (by request):

H. R. 7593. A bill to provide Government protection to widows and children of deceased World War veterans; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of New York:

H. R. 7594. A bill granting a pension to Clarinda E. Kenyon; to the Committee on Invalid Pensions.

By Mr. KRAMER:

H. R. 7595. A bill for the relief of Eugene Gruen and his wife, Kate; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5817. By Mr. HANCOCK: Petition of the Citizens Council for Defense of Freedom of Speech, Robert B. Anderson, secretary, of Syracuse, N. Y., protesting against discrimination in awarding radio time for the discussion of public questions; to the Committee on Merchant Marine and Fisheries.

5818. By Mr. HEALEY: Petition of William D. Tribble and 5,198 of the citizens of the Eighth Congressional District of Massachusetts, urging Congress to maintain the arms embargo and to adhere to the Johnson Act; to the Committee on Foreign Affairs.

5819. By Mr. JOHNSON of Illinois: Petition of Mrs. Cyril De Witt and 11 other citizens of Rock Island County, Ill., to keep America out of war and not sell anything to warring nations; to the Committee on Foreign Affairs.

5820. Also, petition of Mrs. Theophil Lievens and 12 other citizens of Rock Island County, Ill., to keep America out of war and not sell anything to warring nations; to the Committee on Foreign Affairs.

5821. Also, petition of Mrs. Harold Kleinman and 108 residents of Rock Island County, Ill., to keep America at

peace and not sell anything to warring nations; to the Committee on Foreign Affairs.

5822. By Mr. SCHIFFLER: Petition of Mrs. Adam Phillips and members of the Woman's Home Missionary Society of the First Methodist Church of Cameron, W. Va., urging that we keep the present neutrality law in force; to the Committee on Foreign Affairs.

SENATE

TUESDAY, OCTOBER 24, 1939

(Legislative day of Wednesday, October 4, 1939)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O, Thou who art the giver of every good and perfect gift, we thank Thee for Thy manifold blessings bestowed upon us and upon our beloved country. Give to us, dear Lord, a real love for the day's work, but deliver us from its bondage when the hours of toil are past. Help us to be sincere in word and deed, and give to us that high integrity of purpose that shall build up a moral and spiritual reserve against all undue strains. Grant that we may never trifle with life, and do Thou keep our hearts pure and our thinking straight, that, though the winds may blow and the tempests rage against us, we may find ourselves untroubled and unafraid, as we stand firm on the Rock of Ages, touched by the breath of a Wordless Presence, and soothed by the sense of Thy sheltering love. We ask it in the name of Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, October 23, 1939, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	King	Russell
Andrews	Davis	La Follette	Schwartz
Ashurst	Donahay	Lee	Schwellenbach
Austin	Downey	Lodge	Sheppard
Bailey	Ellender	Lucas	Shipstead
Bankhead	Frazier	Lundeen	Slattery
Barbour	George	McCarran	Smathers
Barkley	Gerry	McKellar	Smith
Bilbo	Gibson	McNary	Stewart
Borah	Gillette	Maloney	Taft
Bridges	Green	Mead	Thomas, Okla.
Brown	Guffey	Miller	Thomas, Utah
Bulow	Gurney	Minton	Tobey
Burke	Hale	Murray	Townsend
Byrd	Harrison	Neely	Truman
Byrnes	Hatch	Norris	Tydings
Capper	Hayden	Nye	Vandenberg
Caraway	Herring	O'Mahoney	Van Nuys
Chandler	Hill	Overton	Wagner
Chavez	Holt	Pepper	Walsh
Clark, Idaho	Hughes	Pittman	White
Clark, Mo.	Johnson, Calif.	Radcliffe	Wiley
Connally	Johnson, Colo.	Reynolds	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are detained from the Senate because of illness.

The Senator from Montana [Mr. WHEELER] is unavoidably detained.

Mr. McNARY. I announce that the Senator from Kansas [Mr. REED] is necessarily absent.

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

PETITIONS

Mr. LODGE presented petitions of sundry citizens of the State of Massachusetts, praying for the preservation of American neutrality and also that the United States join with other neutral nations in efforts to achieve a speedy, just,

and lasting peace, and protesting against the sale of arms and munitions to warring nations, which were ordered to lie on the table.

NEUTRALITY AND PEACE OF THE UNITED STATES—AMENDMENTS

Mr. DOWNEY submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 306), Neutrality Act of 1939, which was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. DOWNEY to the joint resolution (H. J. Res. 306), Neutrality Act of 1939, viz: At the end of the joint resolution add the following new section:

"Sec. 20. (a) From and after the approval of this joint resolution it shall be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States, except to nations on the American Continent engaged in a defensive war against a non-American state or states.

"(b) The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this section; and he may exercise any power or authority conferred on him by this section through such officer or officers, or agency or agencies, as he shall direct.

"(c) Any arms, ammunition, or implements of war exported or attempted to be exported from the United States in violation of any of the provisions of this section and any vessel or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the act approved June 15, 1917 (40 Stat. 223-225; U. S. C., title 22, secs. 238-245).

"(d) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this section, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States."

Mr. LA FOLLETTE submitted amendments intended to be proposed by him to the joint resolution (H. J. Res. 306), Neutrality Act of 1939, which were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. LA FOLLETTE to the Neutrality Act of 1939 (H. J. Res. 306), viz: At the end of the joint resolution insert the following new section:

"Sec. —. (a) Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its Territorial possessions, or by any non-American nation against any country in the Western Hemisphere, a national advisory election shall be held in the several States upon the question of war or peace prior to any declaration of war by the Congress.

"(b) Every citizen of the United States qualified to vote according to the laws of the State of which he or she is a resident shall be entitled to vote at such election. Such election shall be held and conducted under such rules and regulations as may be prescribed by the United States Referendum Election Board, except that such election shall be by secret written ballot and shall be conducted as nearly as possible in accordance with the laws of the several States for the conduct of their respective State elections.

"(c) There is hereby created a United States Referendum Election Board (hereinafter referred to in this section as the Board) to be composed of the President of the Senate, three members of the Senate Committee on Foreign Relations to be appointed by the President of the Senate, and of whom not more than two shall be members of the same political party, three members of the Committee on Foreign Affairs of the House of Representatives to be appointed by the Speaker of the House of Representatives, and of whom not more than two shall be members of the same political party. Any vacancy in the membership of the Board shall be filled in the same manner as in the case of an original appointment. The President of the Senate shall be chairman of the Board ex officio, but shall have no vote except in case of an even division between the members. The members of the Board shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the exercise of the functions vested in the Board.

"(d) The national advisory election herein provided for shall be called whenever four or more members of the Board shall file with the Secretary of State of the United States a written demand therefor. The question to be submitted at the election shall be, Under existing conditions shall the United States go to war? The Secretary of State shall by proclamation fix the day of the election, which shall be held not less than 15 days from the filing with him of the demand for the election as herein provided.

"(e) In conducting any such election the Board shall, so far as practicable, use the election officials and the polling places provided for by the laws of the several States.

"(f) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Board to carry out its functions and duties, and the Board is specifically authorized and empowered to make arrangements with the Governors of the several States, or other appropriate State officers, or with towns, cities, villages, and counties or their respective officers, for using the State or local

election officers, employees, and equipment in the conduct of the said election; and the costs and expenses for holding the said election shall be paid for at the same rate as may be provided by the laws of the respective States.

"(g) The Board shall make public immediately the results of each national advisory election, together with the number of votes cast in each State for and against the question submitted at the election."

Amendments intended to be proposed by Mr. LA FOLLETTE to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 16, line 14, after the word "transferred", insert "for cash."

On page 17, line 6, after "States", insert the following new sentence: "As used in this subsection, the term 'cash' shall not include ordinary commercial credits or short-time obligations."

At the end of the joint resolution insert the following new section:

"EXPORT CONTROL BOARD"

"Sec. —. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), he shall thereupon establish an Export Control Board (hereinafter referred to in this section as the Board), to be composed of a chairman to be appointed by the President; the Secretaries of State, Commerce, and Interior; two Members of the Senate, to be appointed by the President of the Senate, not more than one of whom shall belong to the same political party; and two Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, not more than one of whom shall belong to the same political party. A vacancy in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board, and shall be filled in the same manner as the original appointment.

"(b) In order to prevent the growth and subsequent collapse of a short-lived war boom, with its attendant dangers to our peace, prosperity, and cost of living, it shall be the duty of the Board to limit the annual exportation of commodities from the United States to each state named in any such proclamation to the average annual exports to each such state from the United States during any 4 consecutive years of the 12-year period immediately preceding the date such proclamation is issued.

"(c) The Board shall compute for each such state as soon as practicable the average annual exports of commodities from the United States to each such state for each of the following major categories: Crude materials, crude foodstuffs, manufactured foodstuffs, semimanufactures, and finished manufactures. The computation so made with respect to each such major category for any such state shall thereafter be the annual quota for such category for such state.

"(d) Upon the establishment of an annual quota for each major category for each such state, the Board shall, upon the request of the duly authorized and empowered purchasing agent for such state, issue licenses to such agent for the exportation of commodities to such state. No licenses shall be issued to any such agent during any 1 year for the exportation of commodities within each major category in excess of the annual quota established for such category for such state: *Provided*, That if the President shall find that the civilian population of any such state is in extreme need as a result of the war to which the President's proclamation relates, he may increase the annual quotas for such state so long as such need exists, but such increase shall not exceed 10 percent of such annual quotas.

"(e) Whenever a stored surplus of commodities within any such major category exists in the United States and such surplus is not necessary for the welfare or defense of the United States, licenses for the exportation of such commodities shall be limited to such stored surplus so long as such surplus exists.

"(f) It shall be the duty of the Board to tabulate and examine the character of exports to neutral states, and if the Board finds (1) that commodities in any major category are being imported from the United States by any such neutral state in abnormal quantities, (2) that such imports are not in lieu of imports previously secured from belligerent states, and (3) that such imports are not for their own needs but are being transshipped to belligerents, the Board shall announce such finding and thereafter the provisions of this section shall apply to such neutral state with respect to such major category in the same manner and to the same extent as it applies to such belligerents.

"(g) The Board shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary for the performance of its duties, but the compensation so fixed shall not exceed the compensation fixed under the Classification Act of 1923, as amended, for comparable duties. The Board is authorized to utilize the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government. The members of the Board shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the exercise of the functions vested in the Board. The Board is authorized to make such rules and regulations as may be necessary to carry out its functions under this section.

"(h) During any period in which the provisions of this section are in effect it shall be unlawful for any person to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States to any such state during any

calendar year any such commodities in excess of the quota so established; and it shall be unlawful for any person to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States to any such state any such commodities without first having obtained a license therefor.

"(1) The provisions of this section shall apply only during a period in which a proclamation issued under the authority of section 1 (a) is in effect; and shall cease to apply to any state named in any such proclamation when such proclamation has been revoked with respect to such state."

Mr. LUCAS submitted sundry amendments intended to be proposed by him to the joint resolution (H. J. Res. 306), Neutrality Act of 1939, which were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz: On page 22, strike out lines 12 to 14, inclusive, and insert in lieu thereof the following:

"(b) The provisions of this section shall not apply to a renewal or adjustment of indebtedness in existence on—

"(1) The date of any proclamation issued under any prior neutrality law after September 4, 1939, in the case of any state named in such proclamation, political subdivision thereof, or person acting for or on behalf of either; or

"(2) The date of any proclamation issued under section 1 (a) of this joint resolution in the case of any other state named in such proclamation, and any political subdivision thereof, or person acting for or on behalf of either."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz: On page 23, after line 2, insert:

"(e) No provision of this section or of any other law, or of any rule, regulation, proclamation, Executive order, corporate charter, or corporate bylaws shall be deemed to authorize the United States or any agency or instrumentality thereof or any corporation the majority of whose voting stock is owned by the United States or by any agency or instrumentality thereof, to extend any credit to, or purchase or accept any short-time obligation of, any government, political subdivision, or person to which subsection (a) relates, or to facilitate directly or indirectly the extension of any such credit or the purchase or acceptance of any such short-time obligation by any person, or the export of any articles or materials to any such government, political subdivision, or person."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz: On page 29, after line 22, insert:

"(j) Valid certificates of registration (including amended certificates) issued under section 5 of Public Resolution No. 27, Seventy-fifth Congress, shall remain valid for the same period as if this joint resolution had not been enacted. In all other respects (including amendments to such certificates), such certificates shall be deemed to have been issued under this section."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 29, strike out lines 17 and 18 and insert "including the name of each purchaser, in the case of exportation, and each seller, in the case of importation, and the terms of each sale made under each such license."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 29, strike out line 15 and insert "who have registered under this section."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 29, lines 12 and 13, strike out "including the name of the purchaser and the terms of sale made under such license."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 22, strike out all after the period in line 1 down through the period in line 8, and insert "No further extension of credit shall be made or authorized under this subsection to the government of any state, political subdivision thereof, or person acting for or on behalf of such state or political subdivision, for any period during which any one or more of them is in default, in whole or in part, on any obligation to which this subsection relates."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 21, line 14, after "proclamation", insert "or issued after the date of any proclamation issued under any prior neutrality law after September 4, 1939, and prior to the date of enactment of this joint resolution, in the case of any state named in any such proclamation, or any political subdivision of such state, or person acting for or on behalf of either."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 21, line 13, after "State", insert "or of any political subdivision of any such State."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 20, line 25, strike out "commerce with any foreign state" and insert "foreign commerce."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 20, line 5, after "by", insert "all the."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 17, after the period in line 20, insert: "Notwithstanding this subsection, the estoppel provided for in subsection (c) and the prohibitions on claims provided for in subsections (c) and (d) shall remain in effect."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz: On page 17, strike out lines 7 to 15, inclusive, and insert:

"(d) For the purposes of subsection (c), the transfer of the interest of an insurer as insurer in articles or materials or in vessels carrying such articles or materials shall not be required prior to transportation or exportation. No insurance policy issued on such articles or materials or vessels, and no loss under the policy or by the owner of the vessel shall be made the basis of any claim put forward by the Government of the United States."

Amendments intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 16, line 21, strike out "as shall be promulgated" and insert "issued."

On page 16, line 22, after "time", insert "to carry out this subsection."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 26, line 11, after "apply", insert "except as to offenses committed prior to such revocation."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 26, line 8, strike out "in his judgment" and insert "he finds that."

Amendments intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 25, line 18, strike out "merchant."

On page 25, line 23, strike out "merchant."

On page 26, line 24, strike out "merchant."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 24, line 2, after "resolution", insert "except section 12."

Amendments intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 23, line 13, before the comma insert "in connection with the war to which the proclamation under section 1 (a) relates."

On page 23, line 14, before the comma insert "occasioned by such war."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 23, lines 6 and 7, strike out "for any person within the United States" and insert: "(1) Within the United States for any person, or (2) either within or without the United States for any person who is a citizen of the United States."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 28, line 14, strike out "for export."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 28, line 9, after "chaser", insert "in the case of exportation, and the name of the seller in the case of importation."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz:

On page 27, lines 6 and 7, strike out "whether as an exporter, importer, manufacturer, or dealer."

Amendment intended to be proposed by Mr. LUCAS to the Neutrality Act of 1939 (H. J. Res. 306), viz: On page 28, strike out lines 17 to 23, inclusive, and insert:

"(f) Licenses shall be granted by the Secretary of State, on application, to persons who have registered as herein provided for and shall contain such terms as the Secretary prescribes as necessary to assure compliance with this joint resolution and the rules and regulations prescribed under it. A valid license granted under the authority of section 5 of Public Resolution No. 27, Seventy-fifth Congress, shall be considered a valid license granted under this joint resolution and shall remain valid for the same period as if this joint resolution had not been enacted. No license shall permit, or be construed as authorizing, any act which would be a violation of this joint resolution, any rule or regulation prescribed under it, any law of the United States, or any treaty to which the United States is a party. The Secretary of State shall revoke any license granted under this section, or the corresponding section of any prior neutrality law, if he finds, after giving the licensee reasonable notice and an opportunity for hearing, that the licensee has violated the terms of any such license or any provision of, or rule or regulation prescribed under, this joint resolution, any other law of the United States, or any treaty to which the United States is a party. Thereafter no license shall be granted to such person."

INDUSTRIAL MOBILIZATION PLAN (S. DOC. NO. 134)

Mr. McCARRAN. Mr. President, I ask consent to have printed as a Senate document, with illustrations, the Industrial Mobilization Plan, Revision of 1939, approved jointly by the Acting Secretary of War and the Acting Secretary of the Navy.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESS BY SENATOR NYE ON PENDING NEUTRALITY LEGISLATION

[Mr. NYE asked and obtained leave to have printed in the RECORD a radio address delivered by him on Sunday, October 22, 1939, on the pending neutrality legislation, which appears in the Appendix.]

THE NATIONAL HEALTH PROGRAM—ADDRESS BY SENATOR WAGNER

[Mr. MURRAY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator WAGNER October 23, 1939, on the subject of the national-health program, which appears in the Appendix.]

ADDRESSES BY SENATORS LODGE AND WHEELER AT WHEELER HOMECOMING CELEBRATION

[Mr. WALSH asked and obtained leave to have printed in the RECORD addresses made by Senators LODGE and WHEELER on the occasion of the Burton K. Wheeler homecoming celebration at Hudson, Mass., October 1, 1939, which appear in the Appendix.]

ADDRESS BY SENATOR SCHWELLENBACH AT CENTENARY CELEBRATION AT BALTIMORE CITY COLLEGE

[Mr. RADCLIFFE asked and obtained leave to have printed in the RECORD the address delivered by Senator SCHWELLENBACH on the occasion of the concluding banquet of the centenary celebration of the Baltimore City College, in Baltimore, Md., October 21, 1939, which appears in the Appendix.]

DRAFTING OF WEALTH IN WARTIME—ADDRESS BY SENATOR BRIDGES

[Mr. GURNEY asked and obtained leave to have printed in the RECORD a radio address delivered October 22, 1939, by Senator BRIDGES, of New Hampshire, on the so-called Lee bill providing for drafting wealth in wartime, which appears in the Appendix.]

DRAFTING WEALTH IN TIME OF WAR—ADDRESS BY SENATOR GURNEY

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD a radio address delivered on October 22, 1939, by Senator GURNEY on the so-called Lee bill, providing for drafting wealth in time of war, which appears in the Appendix.]

ADDRESS BY SENATOR CHANDLER ON PENDING NEUTRALITY LEGISLATION

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address on pending neutrality legislation, delivered by Senator CHANDLER before the annual convention of the Disciples of Christ at Richmond, Va., October 21, 1939, which appears in the Appendix.]

HISTORY OF EMBARGO POLICY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article written by W. B. Hesseltine, associate professor of history at the University of Wisconsin, on the history of the embargo policy, which appears in the Appendix.]

THE BANKHEADS OF ALABAMA—EDITORIAL FROM ALABAMA JOURNAL

[Mr. HILL asked and obtained leave to have printed in the RECORD an editorial from the Alabama Journal of October 19, 1939, entitled "Two Brothers," which appears in the Appendix.]

EMERGENCY EXECUTIVE POWERS—TELEGRAM FROM FRANK GANNETT

[Mr. NYE asked and obtained leave to have printed in the RECORD a telegram dated October 2, 1939, from Mr. Frank Gannett, which appears in the Appendix.]

NEUTRALITY LEGISLATION—EDITORIAL FROM BALTIMORE SUN

[Mr. NYE asked and obtained leave to have printed in the Appendix an editorial by H. L. Mencken, printed in the Baltimore Sun of October 1, 1939, entitled "Sham Battle," which appears in the Appendix.]

LIST OF AMERICANS KILLED AND NEUTRAL SHIPS LOST IN WORLD WAR AND EUROPEAN WAR

[Mr. BAILEY asked and obtained leave to have printed in the RECORD a list of American lives lost and American ships sunk prior to the entry of the United States into the World War, together with a list of neutral ships lost in the European war from September 3 to October 23, 1939, which appears in the Appendix.]

SINKING OF THE "ROYAL OAK" BY COMMANDER GUENTHER PRIEN

[Mr. McCARRAN asked and obtained leave to have printed in the RECORD an editorial published in the Elko Daily Free Press of Elko, Nev., of October 21, 1939, on the subject of the sinking of the battleship *Royal Oak* by Commander Guenther Prien, which appears in the Appendix.]

NEUTRALITY AND PEACE OF THE UNITED STATES

The Senate resumed the consideration of the joint resolution (H. J. Res. 306), Neutrality Act of 1939.

Mr. BARKLEY. I ask unanimous consent that during the further consideration of the joint resolution now before the Senate no Senator shall speak, in the aggregate, more than 45 minutes on the joint resolution or, in the aggregate, more than 45 minutes on any amendment thereto.

The VICE PRESIDENT. Is there objection?

Mr. NYE. Mr. President, reserving the right to object—
Mr. BARKLEY. Mr. President, I yield to the Senator for a statement which he desires to make.

Mr. NYE. Reserving the right to object, I have a brief statement which I wish to make to the Senate at this time. I hope I may not be required to resort to the personal-privilege rule, and I am obliged to the Senator from Kentucky for the permission which he grants.

Mr. President, the closing considerations in the Senate on yesterday are well described by the press this morning as having witnessed, for the first time in 4 weeks of debate, the falling of the debate from its high plane to a level devoted to indulgence in personalities. The RECORD itself will forever bear witness to the fact that this first break away from that higher level was made by the leadership of the majority that has been pleading for a debate devoid of personalities.

The Washington Post this morning was fair enough to say of yesterday's proceedings:

A bitter personal attack on Senator NYE by the Senate's majority whip climaxed the day.

I suppose, Mr. President, that, in the light of the personal attack of yesterday, I am expected to become likewise personal in retort. I shall not. So far as I am concerned, this debate shall continue on the higher plane it has occupied. But I cannot ignore, and I do not ignore, wholly what was said and done by the majority whip and some of his associates on yesterday. There must be refutation of certain

alleged motives ascribed to me, a refutation which can be afforded without personal attack upon those whose inconsistency on the embargo issue during recent years leaves them without right to question the consistency of others, to say nothing of the motives of others.

It is quite true that I have done considerable public lecturing on the subject of American neutrality and upon the arms embargo. It is true that I have been paid fees for some of this kind of work. It is probably not material that I have delivered many more lectures without the involvement of honoraria than I have delivered lectures for fees. It is material, however, that I have never forced myself upon any individual or group of sponsors. Those who have wanted me to talk to them upon the subjects mentioned have volunteered their rewards, if any at all; and I have no apology whatever for doing what others in the Senate have been doing for generations so far as the lecture platform is concerned.

Some of us here in the Senate have no economic needs that require the supplement of outside income. I am not one of those so fortunate. In the political field, too, I am without the advantage which some enjoy, the advantage of machine backing, the support of a political machine, for example, that gets its "oil" from a 2-percent assessment upon public officials and employees, to be used in meeting the expenses of campaigns in support of favored candidates for Senator, Governor, President, or what not. My contact with my own people constitutes a bill of expense that must be met from my own income and not from an assessment upon \$100-per-month governmental employees.

There is will to declare me to have been inconsistent in my present position in staunch support of the arms embargo. Some would have it appear that I once favored repeal of the embargo against the shipment to nations at war of arms, ammunition, and implements of war. This contention is absolutely without foundation. I did question the wisdom of our adoption of an embargo against the shipment of arms to Spain on the ground that the act would be bound to injure one side and aid another in what was purely a civil war, and, furthermore, that the act had been passed after the outbreak of the civil war. I never asked for inclusion within the neutrality law of a provision that would make the law cover civil war until after the policy of including civil wars in our neutrality legislation had been adopted by Congress.

My move to repeal the Spanish arms embargo was made when it became apparent that our course resulted in our being very unneutral. The record speaks for itself in this respect.

Mr. President, no desire exists on my part to indulge in personalities. It does no credit to any cause; it does no credit to any individual championing a cause to indulge in personalities. It can only be an evidence of complete bankruptcy of reason in support of the cause one pretends to favor.

THE VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky [Mr. BARKLEY]?

Mr. CLARK of Missouri. Mr. President, reserving the right to object, I will say to the Senator from Kentucky that those of us who are opposing the repeal of the arms embargo are agreeable to a limitation of debate so far as the time element is concerned—that is to say, 45 minutes on the joint resolution and 45 minutes on each amendment, to be distributed as the Senator may elect—but it seems to us there should be some assurance as to the hour of meeting, the general length of the sessions, and that threats which have been heretofore made of meeting at 10 o'clock in the morning and holding sessions at night are not to be carried out if the agreement is entered into. Also, we feel that there should be an agreement as to the question of making motions to lay amendments on the table. We feel that the Senate should have assurance that bona fide amendments are to have an opportunity of consideration and debate.

Mr. BARKLEY. Mr. President, I will say to the Senator from Missouri that, so far as the hour of meeting is concerned, in view of the fact, as I stated yesterday, that committees are not in session and are doing no work, and the

only purpose for which we are here is to deal with the problem now before the Senate, the Senate should meet earlier than 12 o'clock. If this agreement is entered into, I have no desire or intention to be unreasonable in trying to force long hours on the Senate; but I would not agree not to have the Senate meet earlier than 12 o'clock. I would rather the agreement would fail than to agree to tie my hands as the days go on with regard to my right to move that the Senate meet at 11 o'clock instead of 12.

Mr. CLARK of Missouri. So far as I am concerned I do not think that is an unreasonable suggestion because, in view of the fact that committees are not meeting, I believe 11 o'clock meeting is not unreasonable.

I will say to the Senator from Kentucky that, so far as we are concerned, we are perfectly willing to cooperate in every way in obtaining a final disposition of this measure this week.

Mr. BARKLEY. I appreciate that fact; so, with that understanding, that part of the matter is disposed of.

On the question of moving to lay amendments on the table, I will say to the Senator from Missouri and all other Senators that I have no intention of moving, and so far as I can control the matter I should discourage motions, to lay on the table any bona fide amendment that is germane to this subject; but in order to get a limitation of debate I will not agree to forego the right to move to lay on the table extraneous, outside matters which may be offered as amendments for the purpose of trying to "gum up" the joint resolution.

Mr. CLARK of Missouri. I will say to the Senator publicly, as I have said privately before this debate began, that, so far as I am concerned—and I think I speak for all of our group—I would vote with the Senator to lay on the table purely extraneous amendments in the nature of adding a different proposition, such as the Senator has suggested to me. I think the matter can be handled in the spirit in which the Senator from Kentucky has announced his position. I hope that will be the understanding and spirit in which the Senate will proceed.

Mr. BARKLEY. I will say to the Senator from Missouri that I desire to have all bona fide amendments offered to the joint resolution, on the subject with which it deals, passed on upon their merits; and I have no intention of taking advantage of any parliamentary right I may have to bring about an immediate disposition of an amendment by moving to lay it on the table if it is germane to and deals with the subject.

Mr. CLARK of Missouri. With that understanding, I have no objection.

THE VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. PITTMAN. Mr. President, as to the order of considering amendments, the parliamentary situation with regard to the pending legislation is that the Committee on Foreign Relations reported a substitute for the House joint resolution. That substitute is pending. The Senator from Missouri [Mr. CLARK] offered the first amendment, I believe, to the joint resolution. The Senator from Nevada, as chairman of the committee, then offered a series of perfecting amendments. It would appear that the proper procedure would be to act first upon the amendment of the Senator from Missouri, and then to take up the series of perfecting amendments I have offered on behalf of those who were instrumental in preparing and reporting the joint resolution.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. CLARK of Missouri. I will say to the Senator from Nevada that if he desires to take up the perfecting amendments first, it is entirely agreeable to me; or the other arrangement is entirely agreeable to me.

Mr. PITTMAN. If the Senator is satisfied with that course, I think probably it would be better to consider first the perfecting amendments to committee amendment in the nature of the substitute.

Mr. CLARK of Missouri. That is entirely agreeable to me. Therefore, I temporarily withdraw my amendment.

The VICE PRESIDENT. The amendment offered by the Senator from Missouri is temporarily withdrawn.

The Senator from Arizona [Mr. ASHURST] advised the Chair this morning that he desired to make a brief statement to the Senate. The Chair recognized the Senator from Nevada, and now understands that the Senator from Nevada asks unanimous consent that the perfecting amendments to be offered by him be first considered. Is there objection? The Chair hears none.

Mr. PITTMAN. Mr. President, I offer first the amendment which I send to the desk, so that it may be pending.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Nevada yield for a question?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. PITTMAN. I do.

Mr. JOHNSON of Colorado. After the committee amendments shall have been acted on, is it the purpose to start at the beginning of the joint resolution, take it up section by section, and consider individual amendments section by section?

Mr. PITTMAN. That matter will be determined by the Senate itself when amendments are offered.

The VICE PRESIDENT. Let the Chair say to the Senator from Colorado that bills and joint resolutions are not considered in the Senate as they are considered in the House of Representatives. The joint resolution is considered as a whole, and amendments may be offered to any section at any time. Therefore, when the Senator from Nevada concludes offering his amendments, any Senator may offer an amendment to any portion of the joint resolution at any time.

Mr. PITTMAN. I do not ask that my amendment be read at this time.

The VICE PRESIDENT. The amendment will be the pending amendment in the present parliamentary situation.

Mr. PITTMAN. I take that course for the purpose of yielding the floor so that the Senator from Arizona may proceed with his statement.

Mr. ASHURST. I thank the Senator from Nevada.

The VICE PRESIDENT. The Senator from Arizona is recognized.

Mr. ASHURST. Mr. President, the subject of the pending joint resolution has very deeply stirred the feelings of some excellent persons.

Not a few citizens, although thoroughly schooled and well trained in self-control, have, in discussing the joint resolution, been unable to keep their emotions within bounds.

During the past month some calumnies have been inflicted posthumously upon the memory of some characters who during their lifetime deserved well of our country and were highly esteemed by their countrymen.

It is, however, some consolation and comfort to know that such calumnies as were inflicted posthumously were not uttered in the Senate or by any Senator. They were uttered elsewhere.

Caustic words and whizzing javelins of accusation hurled in the hot blood of excitement and in the rough-and-tumble of debate against a living person are easily endured and quickly forgotten.

Unfair imputations uttered against a man while he is in existence will, if he declines to notice them, fall soon enough into the abyss of oblivion, as silence is the noblest weapon and most devastating rebuke with which to meet calumny; but when misconduct is charged to one whose voice is forever silenced, the dead must be allowed to reply in the only way they may reply; that is, through the record of their deeds done.

When, in his last hours, Woodrow Wilson said, "I am ready," he spoke as few men may speak. He was, indeed, ready. He had enlightened thousands of our young men and had sent them forth from our colleges with minds and characters trained for the truth; he had enriched our literature; he had been Governor of a proud State; he had, as President, en-

nobled labor and had shown a nation how to be valiantly honest. Such a man is always ready.

The Wilson administration was an epoch crowded with complex governmental problems; grave international involvements creating desperate emergencies, the surmounting of which ran to the foundations of our national existence; training, victualing and transporting vast armies; providing and deploying an immense navy; raising revenue aggregating billions of dollars. In all of these stupendous duties Woodrow Wilson was moved by a zeal as warm as ever inspired the breast or nerved the arm of patriot warrior.

Rarely has there been a character like Woodrow Wilson. Even under the pressure of catastrophic events he insisted that all problems, at whatsoever pain to himself, should be solved only by the rule of justice.

The alluring temptation, always before public men, to obtain for immediate constituents some trifling benefit today, although at the sacrifice of a nation's vitality and efficiency for the future, has been the Circean spell that has, since the days of antiquity, deflected the purpose and weakened the fiber of many statesmen; but such temptation never influenced Woodrow Wilson.

He could not negotiate compromises; hence he did not consider what was or was not expedient. He reckoned not the cost to his health or to his fame, but pressed forward to his duty as he saw it, and as the horologe of time ticks on and on the waves of malice and hatred that once rolled so furiously about him will spend their force and his fame will be far shining, for he strove for superlatively great ideals.

Woodrow Wilson believed that human liberty is like unto a coral island—built from the deeps and by the dying of the builders until at last it greets the surface and the sunlight—and high above the range of doubt or fear, with the charm of a poet, Woodrow Wilson sacrificed himself in an effort to banish from the earth the incarnate Moloch of War. Such a man is always ready.

Mr. SMATHERS. Mr. President, on behalf of some 5,000,000 citizens of the State of New Jersey I wish to thank sincerely the senior Senator from Arizona [Mr. ASHURST] for the magnificent and glowing tribute he has just paid to the immortal Woodrow Wilson.

The VICE PRESIDENT. The question is on agreeing to the first amendment offered by the Senator from Nevada [Mr. PITTMAN].

Mr. PITTMAN. Mr. President, I offer an amendment to the pending amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 18, line 1, beginning with the word "to", it is proposed to strike out through the word "vessel" in line 4 and to insert in lieu thereof the following:

(1) to such transportation of mail, personal effects of any individual on any such vessel or aircraft, and necessary supplies for any such vessel or aircraft, or (2) to any other transportation on or over lands bordering on the United States of mail, personal effects of any individual, and necessary supplies for any vehicle used as a means of transportation on or over such lands.

Mr. VANDENBERG. Mr. President, may not the amendment be stated in its original form so that we may know what amendment is pending?

The VICE PRESIDENT. The Senator from Nevada stated that he was offering an amendment to his amendment. The Parliamentarian advises the Chair that it does not touch that amendment. So the Chair is at a loss to know just what the parliamentary situation is.

Mr. VANDENBERG. So is the Senator from Michigan.

Mr. PITTMAN. Mr. President, I should like to have the amendment returned to me.

The VICE PRESIDENT. The amendment will be sent to the Senator from Nevada.

Mr. PITTMAN. Mr. President, the amendment the Senator from Nevada originally presented is not an amendment to the amendment, but it is an amendment to be acted on preceding action on the first amendment offered, and relates to the same subject in the joint resolution.

The VICE PRESIDENT. Then, if it is not an amendment to the originally offered amendment, the Senator would better offer it as his first amendment, and the amendment he sent up first will be considered next.

Mr. PITTMAN. Let the Senator from Nevada explain. The amendment deals with the cash-and-carry provision of the substitute which has been reported by the committee. In the existing law certain exceptions are made in favor of Canada and Mexico. Subsequent to the time the substitute was reported, by the amendment I have just handed in—that is, the first amendment, certain exceptions were made with regard to carriage by American vessels, and with regard to the Caribbean, South America, and the Pacific, the exceptions being stated as subsections (g), (h), and (i). All of the exceptions embracing Canada will be considered at the same time, because they relate to the same subject. The only change with regard to existing law respecting Canada is that the proposed substitute did not take land transportation into consideration. That is added as an amendment to subsection (f) on page 17 of the proposed substitute.

Mr. VANDENBERG. Mr. President, I am trying to determine textually what it is precisely at the moment the Senator is asking us to confront.

Mr. PITTMAN. If I may be pardoned, I will read the brief section.

Mr. McNARY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. I assume we are working on the committee amendment to the House text.

The VICE PRESIDENT. The Senator is correct.

Mr. McNARY. The Senator from Nevada has proposed an amendment to section 2 of the committee amendment?

The VICE PRESIDENT. That is correct.

Mr. McNARY. To understand properly the matter which he is discussing, I should like to know what part of the amendment he now desires to modify by his present motion.

The VICE PRESIDENT. The Senator from Nevada will have to tell the Senator from Oregon, because the parliamentarian has advised the Chair that the second amendment the Senator from Nevada sent forward, which was supposed to be an amendment to the amendment he offered to the substitute, did not refer to the original amendment, did not affect it. Therefore the Chair called the attention of the Senator from Nevada to that fact.

Mr. PITTMAN. Mr. President, it is true that the amendment the Senator from Nevada sent forward did not deal with Canada. I now ask unanimous consent that we take up the second amendment I offered instead of the first one.

The VICE PRESIDENT. In other words, the second amendment will become the pending amendment. Is there objection?

Mr. McNARY. Just a moment. Are we working on the text of the Senate committee amendment which has been reported by the Committee on Foreign Relations, or are we working upon the proposal of the Senator from Nevada?

The VICE PRESIDENT. First, the substitute for the House measure has been reported as one amendment.

Mr. McNARY. I appreciate that.

The VICE PRESIDENT. Now the Senator from Nevada offers an amendment to that amendment.

Mr. McNARY. To the text before us.

The VICE PRESIDENT. Without objection, the clerk will report the proposed amendment.

Mr. AUSTIN. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. AUSTIN. Is it not appropriate to have the original amendment read?

The VICE PRESIDENT. The Senator from Nevada has asked unanimous consent to lay that aside temporarily that he may offer a second proposed amendment, and when that amendment comes up, of course, it will be proper to have it stated. The Senator can have it reported from the desk now if he desires.

Mr. AUSTIN. I think I do not understand the proposed amendment to the amendment without knowing what the original proposal was.

The VICE PRESIDENT. The original substitute is one amendment. That would have to be read. That is considered as an original bill in the Senate. It has been reported by the committee. Now the Senator from Nevada desires to withdraw his first amendment and to offer the second one to the committee amendment.

Mr. AUSTIN. I thank the President. I now understand that that which is printed after striking out what appears in the last print before us is what is regarded as the original amendment.

The VICE PRESIDENT. The Senator is correct. The clerk will state the amendment now proposed.

The LEGISLATIVE CLERK. On page 18, line 1, beginning with the word "to", it is proposed to strike out through the word "vessel" in line 4 and to insert in lieu thereof the following:

(1) to such transportation of mail, personal effects of any individual on any such vessel or aircraft, and necessary supplies for any such vessel or aircraft, or (2) to any other transportation on or over lands bordering on the United States of mail, personal effects of any individual, and necessary supplies for any vehicle used as a means of transportation on or over such lands.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada to the amendment in the nature of a substitute reported by the committee.

Mr. McNARY. Mr. President, I did not clearly understand from the reading which language is proposed to be stricken out. May the clerk read that more slowly?

The VICE PRESIDENT. The clerk will again state the amendment.

The LEGISLATIVE CLERK. On page 18, line 1, beginning with the word "to", it is proposed to strike out through the word "vessel" in line 4 and to insert in lieu thereof the following:

(1) to such transportation of mail, personal effects of any individual on any such vessel or aircraft, and necessary supplies for any such vessel or aircraft, or (2) to any other transportation on or over lands bordering on the United States of mail, personal effects of any individual, and necessary supplies for any vehicle used as a means of transportation on or over such lands.

Mr. PITTMAN. Mr. President, I may state the principal change is with respect to overland transportation; the language of the joint resolution in its present form overlooks transportation by automobile and rail.

Mr. BROWN rose.

The VICE PRESIDENT. Let the Chair state to the Senator from Nevada and the Senate that the Senator from Nevada obtained unanimous consent that the Senate should first consider the amendments which he desired to offer, which were in the nature of perfecting amendments. Now the Chair feels that under that unanimous-consent agreement he should recognize the Senator from Nevada to offer his amendments until they are concluded. When the Senator from Nevada has no more amendments to offer the Chair will recognize other Senators.

Mr. PITTMAN. The Senator from Nevada has other amendments to offer if the Chair will simply give him a little time to arrange them.

Mr. BARKLEY. Mr. President, I understood that the Senator from Michigan [Mr. Brown] desires to offer a substitute for the amendment which has just been offered by the Senator from Nevada but that he has not yet had an opportunity to do so. Is that correct?

Mr. BROWN. Yes; that is correct.

The VICE PRESIDENT. To what amendment does the Senator from Kentucky refer?

Mr. BARKLEY. The Senator from Michigan desires to offer an amendment as a substitute for the amendment offered by the Senator from Nevada.

The VICE PRESIDENT. The Chair recognizes the Senator from Michigan.

Mr. BROWN. Mr. President, I ask that the amendment offered by me in the nature of a substitute for the amendment of the Senator from Nevada be stated.

The VICE PRESIDENT. The amendment offered by the Senator from Michigan to the amendment of the Senator from Nevada will be stated by the clerk.

The LEGISLATIVE CLERK. In lieu of the amendment proposed by Mr. PITTMAN to the committee amendment, on page 18, beginning in line 1, it is proposed to insert the following:

(1) To such transportation of any articles or materials other than articles listed in a proclamation issued under the authority of section 12 (i), or (2) to any other transportation on or over lands bordering on the United States of any articles or materials other than articles listed in a proclamation issued under the authority of section 12 (i).

Mr. BROWN. Mr. President, the purpose of this amendment is to continue between the United States and Canada on our northern border, and between the United States and Mexico if it becomes a belligerent, on our southern border, the same normal trade relations that now exist, with one important exception. Under the committee substitute for the House measure, which is pending before the Senate, it would not be possible for an American exporter to retain title to the goods which he shipped to Canada. The purpose of subsection (c) of the Pittman substitute, which is now pending, was to prevent a situation arising which might cause us to become involved in war. The purpose was to prevent the retaining of title in any goods shipped across the Atlantic Ocean which might be the subject of attack by a submarine. There is, of course, no possible danger of that kind upon the waters of the Great Lakes, nor is there any possible danger of that kind in the case of goods transported by automobile or transported by rail across the Canadian border. My amendment would exempt the trade between the United States and Canada from the provision in section (c) on page 16 of the joint resolution. It would permit the present trade practices and the present trade relations to continue. I see no reason why—

Mr. BURKE. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. BURKE. I have read with interest the amendment which the Senator now offers as a substitute for the amendment offered by the Senator from Nevada. On last Saturday the senior Senator from Iowa [Mr. GILLETTE] and I joined in offering an amendment to take care of the same situation.

That amendment is now pending. But as I read the amendment which the Senator from Michigan is now discussing, it seems to me to cover what the Senator from Iowa and I are trying to provide for and is in a little broader language.

Mr. BROWN. That is correct.

Mr. BURKE. And it would accomplish better results than would our limited amendment. If we are correct in that assumption, we desire not to press our amendment, but to support the proposal of the Senator from Michigan.

Mr. BROWN. I take it, if my amendment should be adopted, the amendment proposed by the Senator from Iowa and the Senator from Nebraska would not be necessary.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. OVERTON. The purpose of the Senator's amendment is to authorize the transportation into Canada of all articles except—

Mr. BROWN. Munitions of war.

Mr. OVERTON. Except what may be declared to be contraband of war under a declaration by the President of the United States.

Mr. BROWN. The Senator from Louisiana is correct in that statement.

Mr. OVERTON. And also to remove the ban in reference to the cash provision?

Mr. BROWN. I will say to the Senator that the cash provision is not involved. A private citizen in the United States can now sell on credit to a private citizen in Canada, but under subsection (c) he could not retain any lien whatsoever or title in the goods sold. What I am seeking to do is to remove that part of section (c) on page 16 which denies an American exporter the right to retain title to his goods until they are paid for.

Mr. OVERTON. And, in addition to that, to export everything except munitions of war?

Mr. BROWN. Yes. There are no restrictions on exports at all.

Mr. CONNALLY. Arms and ammunition may be exported, but the title must pass.

Mr. BROWN. Yes.

Mr. CONNALLY. American citizens could ship all the arms and ammunition they wanted to under this amendment, but title must pass at the line. The effect of the Senator's amendment would be to exempt from the title requirement commerce moving to Canada, irrespective of how it moves.

Mr. BROWN. As to all articles and materials other than munitions of war, as defined by the Munitions Control Board.

Mr. President, I shall be very glad to answer any questions that any Senator may desire to ask me.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. TAFT. A number of companies in Ohio and in other States have plants in Canada; American companies, in other words, operate Canadian plants. I understand the Senator's amendment will remove the objections they have made that they cannot ship their own goods to their own plants in Canada. Is that correct?

Mr. BROWN. Yes.

Mr. TAFT. The provision applies also to Mexico, but it does not apply to Australia and New Zealand.

Mr. BROWN. It applies only to countries which border upon the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Michigan [Mr. BROWN] to the amendment offered by the Senator from Nevada [Mr. PITTMAN].

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. BARKLEY. Would the Senator's amendment have any effect on the ban placed in the measure against the shipment by American vessels from ports in the United States to Canada, outside the lake regions, on the oceans or contiguous waters?

Mr. BROWN. It would not remove the ban on any ocean shipping. It relates solely to shipping on the Great Lakes and the crossing of the border by vehicles and by railroad trains.

Mr. PITTMAN. Mr. President, the amendment, as I read it, does not change existing law except in one particular. Under the existing law, while Canada is excepted from the carry provision applying to belligerents, she is not excepted from the title provision. The Senator from Michigan proposes to except Canada from the title provision. Is that statement correct?

Mr. BROWN. Yes.

Mr. PITTMAN. The proposal has nothing to do with the financial provisions, which would require the Government of Canada or any national of Canada, to pay cash, as required under other provisions of the measure.

Mr. BROWN. It would not affect the present law or the pending measure in that respect.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. DANAHER. By his exception of goods listed under a proclamation to be issued under section 12 (i), is not the Senator taking out of the operation of section 2 (c) arms, ammunition, and implements of war?

Mr. BROWN. No; I am including them. Only those articles which are not munitions of war would be affected by my amendment. All the ordinary articles of commerce which are shipped from the State of Connecticut to Quebec and other places in Canada would be subject under the Pittman resolution to the restriction with respect to title. Under my amendment all such goods would be relieved from that restriction, except munitions of war as listed and defined by the Munitions Control Board under section 12 (i), on page 29.

Mr. DANAHER. I thank the Senator. I am fully aware of the purpose of the Senator's amendment. I wonder if the language of his amendment will accomplish what he proposes, because the language applicable, commencing in line 25, at

the bottom of page 17, I think expressly states that the provisions of section (c) shall not apply, and thereafter continues the language of the Senator's proposed substitute.

Mr. BROWN. I have taken the matter up with the Senator from Texas [Mr. CONNALLY], the Senator from Nevada [Mr. PITTMAN], and several other Senators, and also with the Legislative Counsel, and they believe that my amendment would fully accomplish the purposes which I have stated.

Mr. DANAHER. I thank the Senator. I think the authorities he relies upon are adequate.

Mr. PITTMAN. Mr. President, the Senator from Michigan spoke to me with regard to this matter, and I told him that those who drafted the substitute had not given very much consideration to the particular question with regard to Canada, although they had given consideration to the subject with regard to other portions of the world. I asked the Senator from Michigan if Senators from States along the Canadian border and the Great Lakes concurred in his form of amendment. I now ask him that question.

Mr. BROWN. Yes; I have talked with the Senators from Vermont [Mr. AUSTIN and Mr. GIBSON], both Senators from Maine [Mr. HALE and Mr. WHITE], my colleague [Mr. VANDENBERG], and I think also the Senator from Washington [Mr. SCHWELLENBACH] and others. They are agreeable to the purpose which I seek to effectuate by my amendment. No one of those Senators has expressly approved the exact language, but I think it is their general opinion that it is sufficient. I went to the Legislative Counsel and told them what my purpose was, and they brought me the amendment which I have submitted, and which I myself have carefully examined. I think it would bring about the desired result.

Mr. PITTMAN. Mr. President, as I say, the group who were preparing the substitute did not give extensive consideration to this question. It was not brought up at that time. We had before us the existing law with regard to the carry provisions as to Canada. The general carry provisions with regard to belligerents do not apply to Canada under the existing law. As has been stated by the Senator from Michigan, the chief object of those who drafted the substitute was to prevent American seamen and citizens on belligerent vessels from being killed in attempting to do business with belligerents. It dealt largely, of course, with transportation on the high seas, and we had in mind the destruction in 1917 by submarines.

Personally, I do not see that the United States gains any greater protection of its peace by requiring the transfer of title to property going to Canada. While I am not in a position to speak on behalf of the entire group, that is my view with regard to the matter.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. BARKLEY. As I understand the difference between the joint resolution and the amendment offered by the Senator from Nevada, on the one hand, and the substitute offered by the Senator from Michigan on the other hand, under the amendment offered by the Senator from Nevada transfer of title is required in the case of all goods going to Canada, including ordinary commercial commodities, and also arms, ammunition, and implements of war, whereas under the provisions of the substitute offered by the Senator from Michigan transfer of title would not be required as to any articles except arms, ammunition, and implements of war.

Mr. PITTMAN. That is correct.

Mr. GILLETTE. Mr. President, a parliamentary inquiry. The VICE PRESIDENT. The Senator will state it.

Mr. GILLETTE. The Senator from Nevada submitted an amendment just prior to the substitute offered by the Senator from Michigan. Was the amendment offered by the Senator from Nevada agreed to?

The VICE PRESIDENT. The amendment of the Senator from Nevada has not been agreed to. Therefore the substitute is in order.

Mr. GILLETTE. Mr. President, I should like to ask the Senator from Michigan [Mr. BROWN] a question.

The proposed substitute carries two different categories. The first is:

(1) To such transportation of any articles or materials other than articles listed in the proclamation issued under the authority of section 12 (1) —

Which, of course, would be arms, ammunition, and implements of war. Then there is the second category:

(2) To any other transportation on or over lands bordering on the United States of any articles or materials other than articles listed in a proclamation issued under the authority of section 12 (1).

What is the reason for those two categories?

Mr. BROWN. Mr. President, my substitute follows the form of the Pittman amendment. The first section relates to transportation by vessel and the second section relates to transportation over land by rail or vehicles.

Mr. GILLETTE. But the Senator provides that subsection (c) shall not apply to the transportation of any articles or materials other than munitions of war, or to any other transportation on or over lands bordering on the United States. Why does the Senator make that distinction?

Mr. BROWN. As I say, the joint resolution was designed to cover shipments by water. It then occurred to the Senator from Nevada and myself that with respect to Canada a large part of our goods is transported by rail or by vehicle. Therefore he added section 2 of his amendment to cover transportation by rail, which of course is necessary because the greater part of the goods shipped to Canada is carried on land mainly by rail, some by truck.

Mr. GILLETTE. I thank the Senator.

The VICE PRESIDENT. The question is on the amendment of the Senator from Michigan [Mr. BROWN] in the nature of a substitute for the amendment of the Senator from Nevada [Mr. PITTMAN]. Without objection, the amendment to the amendment is agreed to; and, without objection, the amendment as amended is agreed to.

The next amendment offered by the Senator from Nevada will be stated.

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. PITTMAN. In the beginning the Senator from Nevada asked that the Senate proceed to consider the substitute for the House joint resolution as an original joint resolution before the Senate.

The VICE PRESIDENT. Under the rules of the Senate and under the custom of the Senate it is considered as an original joint resolution.

The next amendment offered by the Senator from Nevada will be stated.

The LEGISLATIVE CLERK. On page 18, beginning with line 5, it is proposed to strike out through line 20 and to insert in lieu thereof the following:

(g) The provisions of subsection (a) of this section shall not apply to transportation by American vessels (other than aircraft) of mail, passengers, or any articles or materials (except articles or materials listed in a proclamation issued under the authority of section 12 (1)) (1) to any port in the Western Hemisphere south of 30° north latitude, or (2) to any port on the Pacific or Indian Oceans, including the China Sea, the Bay of Bengal, and the Arabian Sea; and the provisions of subsection (c) of this section shall not apply to such transportation of mail, personal effects of any individual on any such vessel, and necessary supplies for any such vessel. The exceptions contained in this subsection shall not apply to any such port which is included within a combat area as defined in section 3 which applies to such vessels.

(h) The provisions of subsection (a) of this section shall not apply to transportation by aircraft of mail, passengers, or any articles or materials (except articles or materials listed in a proclamation issued under the authority of section 12 (1)) (1) to any port in the Western Hemisphere, or (2) to any port on the Pacific or Indian Oceans, including the China Sea, the Bay of Bengal, and the Arabian Sea; and the provisions of subsection (c) of this section shall not apply to such transportation of mail, personal effects of any individual on any such aircraft, and necessary supplies for any such aircraft. The exceptions contained in this subsection shall not apply to any such port which is included within a combat area as defined in section 3 which applies to such aircraft.

(i) Every American vessel to which the provisions of subsections (g) and (h) apply shall, before departing from a port or from the jurisdiction of the United States, file with the collector of customs of the port of departure, or if there is no such collector at such

port, then with the nearest collector of customs, an export declaration (1) containing a complete list of all the articles and materials carried as cargo by such vessel, and the names and addresses of the consignees of all such articles and materials, and (2) stating the ports at which such articles and materials are to be unloaded and the ports of call of such vessel. All transportation referred to in subsections (f), (g), and (h) of this section shall be subject to such restrictions, rules, and regulations as the President shall prescribe; but no loss incurred in connection with any transportation excepted under the provisions of subsections (g) and (h) of this section shall be made the basis of any claim put forward by the Government of the United States.

On page 18, between lines 20 and 21, it is proposed to insert the following new subsection:

(j) Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked, the provisions of subsections (f), (g), (h), and (i) shall expire.

And on page 19, line 4, after the period, it is proposed to insert the following new sentence:

The combat areas so defined may be made to apply to surface vessels or aircraft, or both.

Mr. McNARY. Mr. President, this is a major amendment, one of the most important that will be considered during the consideration of the joint resolution by the Senate. I wish to suggest the absence of a quorum if we are now to consider the amendment. I ask the able Senator from Nevada if he is willing to pass this amendment over until tomorrow, or whether he wishes to have it considered today? One or two Senators who are absent could probably be brought into the Chamber by the suggestion of the absence of a quorum.

Mr. PITTMAN. I think we should try to consider it today. We have a larger attendance at this time than I have seen at almost any other time during the debate.

Mr. McNARY. This amendment is probably more interesting than some of the speeches that have been made. [Laughter.]

Mr. PITTMAN. I think it is really a simple question.

Mr. McNARY. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, will the Senator withhold his point of no quorum in order to permit me to offer an amendment to the amendment?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Oregon withhold his point of no quorum in order that the Senator from Texas may offer an amendment to the amendment of the Senator from Nevada?

Mr. McNARY. Yes.

Mr. CONNALLY. I offer an amendment to the amendment of the Senator from Nevada, and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Texas to the amendment of the Senator from Nevada will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 1, line 3, of the amendment, it is proposed to strike out "subsection (a)" and insert in lieu thereof "subsections (a) and (c)."

Mr. CONNALLY. Mr. President, I do not care to take up much of the time of the Senate, except to say that the amendment offered by the Senator—

Mr. McNARY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. McNARY. The Senator is always lucid in his comments and arguments, and I should like to have a quorum before he makes his speech. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Byrd	Frazier	Holt
Andrews	Byrnes	George	Hughes
Ashurst	Capper	Gerry	Johnson, Calif.
Austin	Caraway	Gibson	Johnson, Colo.
Bailey	Chandler	Gillette	King
Bankhead	Chavez	Green	La Follette
Barbour	Clark, Idaho	Guffey	Lee
Barkley	Clark, Mo.	Gurney	Lodge
Bilbo	Connally	Hale	Lucas
Borah	Danaher	Harrison	Lundeen
Bridges	Davis	Hatch	McCarran
Brown	Donahay	Hayden	McKellar
Bulow	Downey	Herring	McNary
Burke	Ellender	Hill	Maloney

Mead	Pepper	Slattery	Truman
Miller	Pittman	Smathers	Tydings
Minton	Radcliffe	Smith	Vandenberg
Murray	Reynolds	Stewart	Van Nuys
Neely	Russell	Taft	Wagner
Norris	Schwartz	Thomas, Okla.	Walsh
Nye	Schwellenbach	Thomas, Utah	White
O'Mahoney	Sheppard	Tobey	Wiley
Overton	Shipstead	Townsend	

The PRESIDING OFFICER. Ninety-one Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Texas [Mr. CONNALLY] to the amendment offered jointly by the Senator from Nevada [Mr. PITTMAN] and the Senator from Texas.

Mr. McNARY. Mr. President, when the roll was called I assumed the able Senator from Texas wanted to discuss this proposal.

Mr. CONNALLY. If the amendment to the amendment could be voted on immediately, I would forego discussion. If not, I will say that the amendment which I have offered to the joint amendment offered by the Senator from Nevada and myself proposes to amend the amendment in line 3, by striking out "subsection (a)" and inserting "subsections (a) and (c)."

To understand the significance of my amendment to the amendment, I will have to touch a little upon the amendment of the Senator from Nevada. That amendment, in short, has the effect of exempting from section 2 (a), which is the prohibition against any ship going to a belligerent port, all character of commerce, except that which is listed under section 12 (i), which covers arms, ammunition, and implements of war, in the Pacific Ocean, the China Sea, the Bay of Bengal, the Arabian Sea; and paragraph (h) makes similar exemptions as to commerce with Central and South America. In other words, under the amendment offered by the Senator from Nevada and myself any normal commerce on the Pacific Ocean or the Indian Ocean or destined to points in the Orient may go to a belligerent port, such as Hong Kong or ports in India or Australia or New Zealand. American vessels may go into that trade, but they can carry only general commerce; they cannot carry arms, ammunition, and implements of war which may be listed by the President and which have already been listed under the present Neutrality and Embargo Act. The amendment of the Senator from Nevada simply exempts that shipping from the prohibition and permits American ships to engage in such commerce, but it retains the provisions regarding title. My amendment proposes, if the cargo is in an American vessel, flying the American flag, there shall be no requirement of transfer of title in the case of ordinary commerce, such as general commodities and materials.

It does not affect American ships insofar as arms and ammunition are concerned because they cannot carry such articles.

I will state the reason why I offer the amendment to the amendment. When we first began its consideration the joint resolution made an absolute prohibition against any American vessel going to any port, possession, or dependency of a belligerent country. We later decided that it was perfectly safe for American ships to engage in commerce on the Pacific Ocean, even to belligerent ports, if they did not carry any arms and ammunition. We also decided that it was perfectly safe for them to go to Central and South America and touch at ports which belong to belligerents. The joint resolution now permits them to do that. If we are to permit American vessels to go there at all, what is the necessity for requiring that the title to cargo shall be conveyed to some person in another country? Any sort of requirement of that kind impedes and hampers and hinders the free movement of commerce. If we do not want the ships to engage in such commerce at all, very well; do not let them sail; but if we do permit them, there is just as much danger of an American ship flying the American flag being sunk, regardless of whose cargo it is.

Our theory originally was that we would not let any American ship go to any belligerent ports. If the cargo, on the other hand, is carried by a neutral ship we then require that

there shall be a change of title in order to make it impossible for any American cargo destined for a belligerent or any American ship destined for a belligerent to be on the seas. But when we exempt the ship from the prohibition against certain forms of commerce, there is no sense in requiring that the title to the cargo shall be changed.

Shipping men and others tell me that in the Pacific Ocean especially it would be very difficult to comply with the requirement as to change of title. They say that many of the small merchants in Chinese and other far eastern ports are not able to establish bank credits in the United States, and that the goods are ordinarily paid for on delivery; in other words, the shipping company collects from the consignee in China or Hong Kong or India. It would destroy that kind of commerce if we should require the transfer of title before the vessels leave San Francisco or Seattle or Los Angeles. There is just as much reason for waiving the change of title requirement, in fact, more reason, than there is to permit the vessel to go at all. If it is not dangerous for a vessel to go, it is not dangerous for its cargo to go.

Mr. TAFT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Ohio?

Mr. CONNALLY. I yield.

Mr. TAFT. Do I understand, however, that if a company ships to its own agent in Australia in a British ship, then it must change the title? This proposal only affects the shipments in American ships. Is that correct?

Mr. CONNALLY. The amendment relates only to American ships. Personally, I should not object to the provision relating to neutral ships so long as they are confined to those areas that are exempt, but, on the other hand, there is the consideration that we are supposed to have better control of our own ships than of foreign ships, and if we made the exemption apply to neutral ships, there is a bare possibility that somewhere we would get into trouble.

Mr. President, let me also point out to the Senate the fact that no claim could be presented by reason of a loss of cargo under these circumstances, because there is a general clause in the joint resolution later on under which the exemption, when applied, cannot be made the basis of any claim, and it is specifically applied in this particular measure.

Mr. DANAHER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Connecticut?

Mr. CONNALLY. I yield.

Mr. DANAHER. I notice that the amendment first submitted by the chairman of the Committee on Foreign Relations was submitted jointly by both him and the Senator from Texas.

Mr. CONNALLY. That is correct.

Mr. DANAHER. The amendment which is now offered by the Senator from Texas is offered by himself alone, I take it?

Mr. CONNALLY. That is what the RECORD shows.

Mr. DANAHER. Yes. Does the Senator from Nevada, the chairman of the Committee on Foreign Relations, agree with the Senator from Texas in this particular?

Mr. CONNALLY. That is up to the Senator from Nevada. I think the Senator from Nevada is sympathetic toward my amendment, but I do not know that he is for its adoption. However, let me say to the Senator from Connecticut the amendment provides exactly what we have done with relation to Canada. We have exempted from the title requirement all shipments to Canada except shipments of arms, ammunition, and implements of war. Why? Because there is no danger in cargoes going there. This amendment exempts the Pacific Ocean and the Indian Ocean and permits American ships to go there. Why? Because there is no danger in going there. Why should we not exempt them from the title requirement just as we have done in the case of Canada?

Mr. DANAHER. Mr. President, will the Senator yield further?

Mr. CONNALLY. Yes.

Mr. DANAHER. Is it not a fact that the full effect of the amendment offered by the Senator from Texas, plus the amendment offered by the Senator from Nevada, is to restore to American vessels in the particulars outlined in this amendment the identical situation that now exists under the present law on our statute books?

Mr. CONNALLY. No.

Mr. DANAHER. In what particular does it differ?

Mr. CONNALLY. In these particular areas it exempts American vessels from the general requirements of the subsections (a) and (c) of the joint resolution; that is all.

Mr. DANAHER. Mr. President, I point out to the Senator from Texas that under the present law, as distinguished from the pending joint resolution, American ships may go to any of the places named in the amendment. Is not that so?

Mr. CONNALLY. Yes; they may.

Mr. DANAHER. And American ships may carry American goods without the transfer of title in advance, may they not?

Mr. CONNALLY. That is correct.

Mr. DANAHER. So, in effect, we merely restore to American ships the very rights they now have under the American law. Is not that the fact?

Mr. CONNALLY. I assume that the Senator from Connecticut is correct in that statement. I am not trying to track the old law. We are now talking about a new measure. Let me say to the Senator from Connecticut, since he has wrapped into his bosom the old, present act, that yesterday, or a day or two ago, according to this morning's newspapers, the German admiralty seized an American vessel and took it into a Russian port. That is happening under the present law. That is happening under the embargo. That could not happen under the joint resolution we are sponsoring, because there would not be any American vessel on the high seas destined for a port in Great Britain.

Mr. TAFT, Mr. DANAHER, and Mr. BARKLEY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Texas yield, and, if so, to whom?

Mr. CONNALLY. I presume I shall have to yield first to the Senator from Connecticut.

Mr. DANAHER. I thank the Senator from Texas. Let me point out that 3 weeks ago the British seized an American vessel carrying a cargo of phosphates, unloaded the phosphates, and sold them.

Mr. CONNALLY. Yes.

Mr. DANAHER. Let me further point out that when the Tobey motion was up for consideration more than 2 weeks ago, I was one of the Senators who supported it.

Mr. CONNALLY. I did not yield for anything but a question.

Mr. DANAHER. Had it been agreed to, we would long ago have voted in favor of reasonable restrictions upon the operations of American vessels, and would have removed the possibility of such incidents as that in which the *City of Flint* was concerned; and the Senator from Texas voted against the motion to recommit.

Mr. CONNALLY. With all due respect to the Senator from Connecticut, the Senator from Texas yielded for a question, not for an oration.

Mr. DANAHER. Then the Senator from Texas does not want the RECORD to show, I take it, that we could have protected against this situation long ago had the majority been willing.

Mr. CONNALLY. The Senator from Connecticut referred to Great Britain's seizing a ship. Let me say that that happened under the embargo, and it could not happen under the joint resolution. If the joint resolution should be enacted neither Great Britain nor Germany nor France nor anybody else could seize an American ship bound for a belligerent port, because there will not be any such ship.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. The whole theory of the joint resolution being to keep our ships and our nationals out of the zones where trouble is liable to arise and therefore create incidents

that may drag us into war, the Senator's theory is that if we can risk our ships in the Pacific we can risk the question of title. Is that correct?

Mr. CONNALLY. Exactly; especially since, if there is a loss, the Government will not prosecute it. The shipper will take that risk.

Mr. TAFT. Mr. President—

Mr. CONNALLY. I yield to the Senator from Ohio.

Mr. TAFT. Is not the *City of Flint* owned by the American Government?

Mr. CONNALLY. Indirectly.

Mr. TAFT. Then why is the American Government permitting an American ship to go into a zone where an incident may occur which may lead to war? If the officials of the Government really are anxious to keep the United States out of war, why did they permit the *City of Flint* to go into a submarine zone?

Mr. CONNALLY. I will say to the Senator from Ohio that the *City of Flint*, like all other ships, is trying to make money and trying to fulfill its contracts. I do not know what the contracts are, but I know that a great many shipping men are appealing to me to have attached to the joint resolution an amendment that will give them an opportunity to complete the contracts they have already made, and make voyages for which they have already contracted, and get goods over there in compliance with their agreements, and thus enable them to earn the money they have already received. I do not know what the motives were. Let me say that irrespective of whether or not the Maritime Commission should have kept vessels out of British ports, it was acting under the law. It was acting under the embargo which Senators are so anxious to retain. An American vessel today has the right under the law to go to any belligerent port and carry any kind of commerce except arms, ammunition, and implements of war.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. The *City of Flint*, like all ships which are operated by the United States Lines, is owned by the United States Lines, which is an American corporation. The Government of the United States has an indirect interest in it, because it has a mortgage on the ship, which it transferred to the United States Lines.

Mr. CONNALLY. That is all.

Mr. BARKLEY. As the Senator said, there is no law preventing those ships from going into belligerent ports, and naturally they are seeking trade; but under the measure we are seeking to enact the *City of Flint* could not leave an American port destined to any belligerent port, and if this measure had been in effect this incident would not have occurred.

Mr. CONNALLY. Exactly. I thank the Senator.

Let me make a suggestion in the interest of accuracy. The Senator from Kentucky says the *City of Flint* is owned by the United States Lines. I understand that the Maritime Commission owns the ship, but that it has leased it to the United States Lines. Of course, that gives the United States Lines, for the period of the lease, just as much control over the ship as if they owned it.

Mr. BARKLEY. I thank the Senator for the correction.

Mr. CONNALLY. I understand that to be the situation.

Mr. BARKLEY. I thought the Commission had actually sold the ship, but it may be that they have leased it. Whatever the contract may be, the American Government has only an indirect interest in the ship.

Mr. CONNALLY. It has only an indirect interest. I suppose the Senator from Ohio [Mr. TAFT] is proceeding on the theory that the President of the United States personally should watch and direct all the operations of these ships. I cannot see any other implication from his remarks, because he was asking, "Why does not the Government do this?"

Mr. TAFT. Mr. President, it seems to me that if the Government is sincerely desirous of carrying out the cash-and-carry plan, the President can issue orders, at least affecting ships which the American Government owns, sending them to other parts of the world than submarine zones.

Mr. CONNALLY. Will the Senator point out that authority? I hope the Senator would not entertain any such expansive idea of the Executive authority if by mishap he should become President of the United States. [Laughter.]

Mr. BARKLEY. Mr. President, if the Senator will yield at that point, the only control over the matter would be, as I see it, refusal of the Treasury Department, the Customs Service, to issue clearance papers to a ship of that sort to sail from an American port.

Mr. CONNALLY. Of course.

Mr. BARKLEY. If the Department did that with respect to the *City of Flint*, it consistently would have to do it with respect to all other ships.

Mr. CONNALLY. Of course it would; and if the President could issue an Executive order to stop the *City of Flint*, he could issue an Executive order to stop every other ship of American registry. Of course, he has no such power as that, and he ought not to have any such power. We are trying to let Congress deal with this subject. The Senator from Ohio seems to want to let the President do everything.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. TAFT. As I read the message of the President, he said he had that power. If Senators will read the message of the President addressed to the Senate, they will find that he said he had that power; and if he has it, and is sincere in his desire to carry out the cash-and-carry plan, the thing for him to do is to exercise that power.

Mr. CONNALLY. I suggest that the Senator from Ohio read the message again. At any rate, whether the President has or has not the power in question under the present law, this company has its ship chartered, and for the period of the lease it belongs to the United States Lines. Ships are now going all over the ocean—not simply ships of the United States Lines, but all American ships are sailing now to belligerent ports. They are proceeding under the sanction of the present Embargo Act; but, as suggested by the Senator from Kentucky, if the joint resolution should be enacted, they could not any longer do so. There would be no American ships en route to belligerent ports. There would be no American cargoes en route to belligerent ports. That is my answer to the Senator from Ohio.

Mr. President, I do not care to consume any more of the time of the Senate. I submit the amendment as to title in the Pacific Ocean and ports in Central and South America on the theory that if it is safe for the ships to go, it is safe for the cargo to go without impeding and harassing and annoying trade by requiring a transfer of title before the goods leave the shores of the United States.

Mr. GEORGE. Mr. President, may I ask the Senator from Texas a question?

Mr. CONNALLY. I yield.

Mr. GEORGE. Is the Senator proposing to insert the same amendment, or in substance the same amendment, elsewhere in the amendment offered by the Senator from Nevada?

Mr. CONNALLY. I will say to the Senator from Georgia that I do not think it is necessary.

Mr. GEORGE. At present the amendment is simply to strike out "subsection (a)", line 3, and insert "subsections (a) and (c)."

Mr. CONNALLY. That is the language. I shall be obliged to the Senator from Georgia if he will give that matter his own careful and well-considered scrutiny. I prepared the amendment rather hastily, because I did not apprehend that there would be a vote so early on the amendment of the Senator from Nevada. I will state that I have sent for the legislative counsel to sit here with us and help us with regard to these details. I will say to the Senator from Georgia that if it develops that that subsection of the measure should be changed in any other particular, I shall certainly be delighted to carry out the change.

Mr. TAFT. Mr. President, I will merely say that I am heartily in favor of the amendment offered by the Senator

from Texas. The controversy did not relate to the merits of the amendment.

Mr. CONNALLY. I certainly thank the Senator from Ohio for his interruption. If he can be so easily convinced, I hope he will interrupt again. [Laughter.]

The PRESIDING OFFICER (Mr. BROWN in the chair). The question is on agreeing to the amendment offered by the Senator from Texas [Mr. CONNALLY] to the amendment offered by the Senator from Nevada [Mr. PITTMAN].

Mr. McNARY. Mr. President, I am heartily in favor of the adoption of the amendment. I should like to have it stated where it is to be inserted in the Pittman amendment. I think the clerk can do that.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 3, of the amendment proposed by the Senator from Nevada, the Senator from Texas proposes to strike out the words "subsection (a)" and insert the words "subsections (a) and (c)."

Mr. DANAHER. Mr. President, I should like briefly to observe that, in spite of all the talk all these weeks about a strict cash-and-carry plan, about the transfer-of-title plan, we are now asked to exempt from control by this legislation all of those articles which comprise more than 90 percent of our total export commerce, transfer of title to which will not be required if they are shipped in American ships, which may be taken to Australia and other ports named in the proposed amendment, there to be transported and transferred to belligerent nations, irrespective of what our attitude may be on the general law. In my opinion, the amendment as offered by the Senator from Texas should be defeated.

Mr. CONNALLY. Mr. President, on careful examination I think subdivision (c) should also be inserted in paragraph (h), relating to aircraft, if we are to exempt shipping from the transfer of title. I do not see why aircraft should not be. They will not carry much commerce, but to whatever extent they may carry commerce, we should exempt them from the title provision. They cannot carry any arms or ammunition.

The PRESIDING OFFICER. Does the Senator refer to line 7 on page 2?

Mr. CONNALLY. Line 7, page 2.

The PRESIDING OFFICER. It will be so regarded.

Mr. CONNALLY. Let it be a joint amendment.

Mr. BORAH. Mr. President, there was some disturbance in the Senate, and I did not understand the statement made by the Senator from Connecticut as to his objection to the amendment. It has seemed to me a desirable amendment, but I should like to know what his objection is, because I did not hear his statement.

Mr. DANAHER. Mr. President, I thank the Senator from Idaho even for doing me the courtesy of regarding my claim with reference to the matter. Let me explain it the more carefully.

I have pointed out the complete inconsistency of the position hitherto taken and now presented by the proponents of the joint resolution before the country and the Senate respecting the cash and carry with a strict transfer of title provision which the proponents of the resolution wrote or purported to write into section 2 (c).

Now we discover that, first, the Committee on Foreign Relations submits an amendment, which is the one I hold in my hand, which would, on page 18, beginning with line 5, strike out everything through line 20 in the pending joint resolution. Then we find that the junior Senator from Texas proposes to amend further the amendment submitted by the Committee on Foreign Relations, and, according to the amendment submitted by the Senator from Texas, we would exempt from the necessity of transfer of title before the goods leave our shores more than 90 percent of all our export merchandise. In other words, under the proposed amendment American vessels will not have to transfer title before the goods leave our shores. Hence, foreigners may take our goods to Australia, or to any other country named in the proposed amendment, without the payment of even one cent of cash, without the transfer of title in advance,

and consequently without even the protection which the present law gives us against the shipment to neutrals and transshipment by neutrals to belligerents. As the Senator knows, no such limitation exists in the pending joint resolution. Consequently, from any of the ports herein named, the articles so exempted from the cash-and-carry idea may be transferred, from Australia, from New Zealand, in ships bound to Great Britain, or any other belligerent nation.

Consequently, it seemed to me—and I hope I have made it clear to the Senator from Idaho—that in the interest of consistency we ought to retain our present law, which authorizes American ships to do business reasonably wherever they want to on the high seas, so far as noncontraband articles, in particular, are concerned, and thus, if anything, instead of trying to tighten us up and trying to limit us in this fashion, which in my opinion is subversive of every claim offered hitherto, we ought frankly to face the situation as to whether as a matter of principle Americans have rights. That is the way I feel about the matter.

Mr. BORAH. Mr. President, I was interested in the statement of the Senator because I respect his judgment very much. But, insofar as the proponents will eliminate from the joint resolution the shipping interests of the United States, I am bound to vote with them, and vote very heartily to support their position.

I do not believe in the so-called cash-and-carry proposition, and I therefore want every American ship eliminated from its control, so far as possible. I can understand perfectly why those who do believe in it desire that ships going into certain regions should be under the cash-and-carry plan, but where it is possible to eliminate it, upon any theory of reasonable safety, I certainly favor doing so. In other words, even an advocate of cash and carry should not want to destroy our shipping interests or put our seamen on charity where danger does not demand it.

Mr. WHITE. Mr. President, I desire to express myself as in complete accord with the statement just made by the senior Senator from Idaho [Mr. BORAH]. One of the things that troubles me about the proposed legislation is the provision of section 2 (a), and any relaxation proposed either by the chairman of the Committee on Foreign Relations or by the Senator from Texas has my approval. I hope the amendment offered by the Senator from Texas will be agreed to, and that the amendment as amended will have the approval of the Senate.

Mr. BORAH. Mr. President, leaving the joint resolution as it will be after this amendment is made, there is going to be a tremendous loss to American shipping anyway, and it is going to be felt in the economic condition of this country. If I had any say about the matter at all, I would extend it instead of limiting it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. CONNALLY] to the amendment proposed by the Senator from Nevada [Mr. PITTMAN].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. CONNALLY. Mr. President, the adoption of this amendment to the amendment requires another change in wording, that is, to strike out, on page 1, line 11, the language:

And the provisions of subsection (c) of this section shall not apply to such transportation of mail, personal effects—

And so forth. That is unnecessary language, because under the amendment which I offered all articles can move, and therefore there is no sense in repeating that. Then we should strike out similar language on line 14, page 2, down to the word "aircraft" in line 17.

The PRESIDING OFFICER. Without objection, the perfecting amendments are agreed to.

The question is on agreeing to the amendment as amended.

Mr. WAGNER. Mr. President, I desire to ask the Senator from Nevada whether he will not accept another amendment to his amendment, which I think would cure what was more or less an inadvertence. The amendment offered by the

Senator from Texas, which has been adopted, provides that, with respect to belligerent ports to which our ships may go, title to the cargoes carried does not have to pass. That includes all of the Western Hemisphere and all of the ports of belligerent countries in the Pacific Ocean. By some inadvertence Bermuda has been excluded from the measure. There is no more danger in our vessels going to Bermuda than to ports in South America owned by belligerents, or ports in the Pacific Ocean.

I merely suggest an amendment on line 8, instead of the words "thirty degrees," to amend it to read "thirty-five degrees." That would include Bermuda, along with the other belligerent ports in this hemisphere. Otherwise, there would be a very unfair discrimination. We are permitting aircraft to go to Bermuda now, under another amendment, but we are excluding ships, for no very good reason I can imagine. I ask the Senator if he will accept that amendment.

Mr. PITTMAN. Mr. President, I do not feel that I have any authority to accept any amendment.

Mr. WAGNER. May I offer the amendment?

Mr. PITTMAN. Please let me conclude my statement.

Mr. WAGNER. I beg the Senator's pardon.

Mr. PITTMAN. I do not feel that I have authority to accept any amendment at all. The substitute was prepared by a group, as the Senator knows, and the amendment to the substitute which is now under consideration was also prepared by that group. I have no instructions from the group with regard to the matter.

Of course, the policy which actuated the group with regard to cash and carry, as it is termed, which really means conveyance of title and carriage, was discussed and approved. The governing policy in this matter, as has been stated before, was that we took action under section 2 (a) to prevent American vessels from engaging in any commerce with belligerents, so as to prevent the happening of incidents which might bring about controversies, and arouse a fever in this country which might lead to war. That is the policy underlying it.

It was urged before this group very strongly, first with regard to Canada, that we had found that there was no danger, apparently, of the loss of life on an American vessel going to Canada by the Lakes or inland waterways, and that therefore they should be exempted from the provisions of section 2 (a), which prohibits commerce with belligerents.

Then the question was raised, which was raised this morning by the Senator from Michigan and others, that if it were safe for our ships to go across the Lakes to Canada—and that is the main question in our minds, the safety of the ships, not by reason of the character of the vessels particularly, because the vessels are insured, but by reason of the possible danger to the lives of seamen on board—if it were safe for those ships to go across the Lakes, would their safety be increased in any way whatever by the requirement of conveyance of title to property being carried across the Lakes? The amendment by which the Senate provided for the transfer of title would not add to the safety of the people of the United States in such a case nor to the peace of this country.

There is a slight difference, however, when we are dealing with belligerent countries across an ocean, because we realize that our ships are subject to destruction on the ocean by aircraft or submarines or surface craft, and we must keep in mind our main policy, which is to eliminate so far as possible the danger of the sinking of our vessels by a belligerent, which might result in loss of life.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. PITTMAN. I yield.

Mr. BORAH. As I understand, what the Senator from Nevada has in mind, and what the committee had in mind, was to go as far as it was thought advisable to go without endangering the lives of our citizens traveling on ships?

Mr. PITTMAN. That we must consider that.

Mr. BORAH. May I suggest that it seems to me the danger resulting from including Bermuda is very small? I cannot see how that will in any degree at all endanger the situation. There exists a possible danger even where we have

already acted to eliminate it, but it is not a probable danger. It does not seem to me that we ought to take our ships and our business off the ocean to any greater extent than the situation actually requires us to do.

Mr. PITTMAN. There is a little difference even between Bermuda and the ports of the Pacific which are exempted, and the ports of the Caribbean which are exempted. All vessels passing through the Caribbean generally go to South American countries, which are neutral. Our vessels engaged in trade on the Pacific will not use belligerent ports, incidentally. Their trade is much greater with neutrals. But there are some places, such as Hong Kong, which are technically belligerent because they are possessed by Great Britain. However, there is no war activity in that neighborhood. There are no ships being sunk there. So for the time being it seems that stopping at a few such ports would not be dangerous. Apparently it is essential to stop at some of those belligerent ports for the purpose of refueling, and for repairs, and other necessary specific requirements.

Exactly the same situation does not exist with regard to Bermuda. Bermuda is, in a sense, a belligerent country. On their way to other ports our ships do not touch there. Our airships engaged in traffic to Portugal and other neutral countries may stop at Bermuda, and we have to take a chance on that. There is very little danger to an airship which stops at Bermuda, but we hesitated to remove the restriction on vessels going that far out into the Atlantic Ocean.

At the same time we had to consider a similar question, and that was whether or not it was safe for an American ocean-going vessel to go, say, from Boston 100 miles out to sea and then to Halifax, Nova Scotia, and to other parts to the north. In that case the vessel would go directly to a port of a belligerent. It might be an active belligerent, and we might have reason to think that submarines might stop that traffic. We could not bring ourselves to the point of thinking that it was not dangerous to the lives of our seamen to engage in that traffic. What we are concerned with is the lives of our seamen. Cargoes are taken care of by insurance companies. The vessels are taken care of by the insurance companies. In addition to all the exceptions we have put in the measure we have included the express provision that no loss of vessels or cargoes shall be made the basis of a claim by the United States, which means that the shipping is engaged in at the shipper's risk. But the seaman cannot travel at his own risk. If he is killed, nothing will compensate for the loss of his life. So I doubt whether we should go as far in the North Atlantic as Bermuda, because I do not believe we can go to Nova Scotia.

Mr. BORAH. Mr. President, of course the Senator from Nevada understands my position, and in going along with the amendment I do not want to be considered as approving the principle of cash and carry. The Senator is desirous, of course, of protecting our vessels against dangers which might arise and of which he speaks. But while we are protecting our interests, we have also to take into consideration that the seamen have to live, and under the present condition in this country, if he is deprived of his job he will probably be quite badly hurt, because he will not have any other work which he can undertake.

According to the figures which have been furnished me the adoption of this provision will occasion a very great loss of business, loss of property, and loss of opportunity for work, and I submit to the Senator whether he believes the danger arising from our ships going to Bermuda is so great that we need to deprive our people of this business opportunity and the opportunity of seamen to obtain work? I think the comparison is on the side of eliminating that provision. Another thing, Mr. President, we cannot overlook the fact that in the long run the destruction of our ships and the impoverishment of our seamen may endanger the safety of this country more than that of some stray submarine.

Mr. PITTMAN. Mr. President, in the proposed substitute not only is authority given to the President to designate combat areas, but when he finds that in order to protect the lives of our citizens it is necessary that to designate a combat area around the section where the lives of our citizens

may be threatened he is directed to do so. If a "school" of submarines were to appear around Bermuda, I admit that travel could be suspended by virtue of such a situation. But of course a great many persons seem to be unwilling to grant any discretion to the President in the matter, and therefore we have attempted to define exactly what Congress wanted, wherever it could be defined.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. WALSH. Is not all that has been said by the Senator from Idaho about Bermuda applicable to the claim urged in behalf of transportation on the Atlantic coast to Nova Scotia and New Brunswick?

Mr. PITTMAN. Not in the same degree; no. In one case, the ship goes directly to the port of an active belligerent; in the other case it goes to the port of a technical belligerent, occupying an island which is really nothing except a resort.

Mr. WALSH. So the Senator is of the opinion that Bermuda has a better case than Nova Scotia?

Mr. PITTMAN. I certainly think Bermuda has a better case than Nova Scotia.

Mr. WALSH. Did the committee give consideration to the claims of the steamship lines operating to Bermuda and to Nova Scotia?

Mr. PITTMAN. Yes; the committee gave very careful consideration to them. In fact, the question of transportation to Bermuda and transportation to Nova Scotia was discussed at great length.

Mr. WALSH. And the committee finally practically unanimously agreed to eliminate both of those zones?

Mr. PITTMAN. I think they were unanimous in deciding to eliminate those zones.

Mr. WAGNER. Mr. President, I propose to amend the pending Pittman amendment, on page 1 of the amendment, line 8, to substitute for the word "thirty" the word "thirty-five." It will then read "35 degrees," thus including Bermuda. We have already recognized in this very amendment the right of aircraft—going both to Europe and from New York to Bermuda—to land at Bermuda. Had we not adopted that amendment the commercial air line going to Portugal by way of Bermuda would have been put out of business, and also the air line going from the United States to Bermuda, lines which do a very substantial business.

Mr. President, I make no objection to the amendment. I voted for it. I make no objection to allowing our ships to go to Australia and New Zealand and other belligerent ports and to the ports of South America. I can see no logical reason for excluding Bermuda. So far as danger is concerned, if at any time the President deems Bermuda to be in a danger zone, he can under this very measure include it in the combat area, and any risk to our citizens or their ships would be eliminated.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. TAFT. Is the Senator from New York familiar with the fact that a vessel going from Boston to Brazil would go within a very few miles of Bermuda; so that actually if we should permit them to go to Bermuda we would not extend the zone in which our boats would go on the sea to South America.

Mr. WAGNER. Yes.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. CONNALLY. Did the Senator notice in the press of yesterday or this morning—I forget which—that a German raider or a German submarine attacked a vessel in the neighborhood of Bermuda?

Mr. WAGNER. That has happened in other sections. If the President finds that area to be a danger zone, he may include it in the combat area, just as he may include the ports of Australia, New Zealand, or any of the other belligerent countries.

Mr. PITTMAN. That is true. If we should exempt a certain area, the President, if he saw fit, could superimpose a combat area on that territory.

Mr. WAGNER. Or upon any portion of that territory which we tentatively exclude.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. WAGNER] to the amendment of the Senator from Nevada [Mr. PITTMAN].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Nevada, as amended.

Mr. LODGE. Mr. President, I move to amend the amendment of the Senator from Nevada by inserting, in subsection (g), line 9, after the words "north latitude, or (2)", the following:

To any port in the Western Hemisphere north of 35° north latitude and west of 66° west longitude, or (3).

Mr. President, the reason for that amendment is so that American ships going to New Brunswick and Nova Scotia on the Gulf of Maine and Bay of Fundy side shall be included in the amendment. My amendment is so drafted that longitude 66 would exclude the big ports on the open ocean, but would permit ships which now run to the so-called inland ports on the Bay of Fundy and the Gulf of Maine to operate.

It is my understanding that the amendment as it now stands permits American vessels to go anywhere in the Pacific, and to go into the South Atlantic to possessions of belligerents, such as Jamaica, Barbados, the West Indies, and the Bahamas. The amendment has also been broadened so as to go out to sea and take in Bermuda.

Mr. President, it seems to me that if the principle of protecting American ships from submarine attack is good for one section, it is good for another; and if it is perfectly safe to allow ships to go to Bermuda or the Bahamas when they are not on the trans-Atlantic steamship lines, it is equally safe to allow American ships to go to New Brunswick and Nova Scotia ports on the Bay of Fundy, which are also far removed from the steamship lines.

I know that the Senator from Nevada is fair and just. I respectfully request him not to raise an objection to this amendment, which I am sure he will agree is a logical conclusion from the amendment of the Senator from New York [Mr. WAGNER] which the Senate has just adopted.

Mr. WHITE. Mr. President, I wish to associate myself with the junior Senator from Massachusetts in urging the adoption of his amendment.

As the situation now stands with respect to Canada, we are permitting American vessels to cross the Great Lakes carrying not only arms, ammunition, and implements of war, but a thousand and one other things that have both civilian and military usefulness. As the legislation now stands, vessels may proceed in the Puget Sound area from American ports to Vancouver and other Canadian ports. It seems to me entirely proper that our vessels, which are really not much more than coastwise vessels, should be permitted to move from the North Atlantic ports to the interior waters, as I call them, of Nova Scotia. As a matter of fact, there are few vessels of any size engaged in that trade. There are only four American vessels of substantial size, and they are vessels of about 5,000 tons each, moving in the summertime from the port of New York up to the area I have indicated. When those vessels come out of New York Harbor they go up through Long Island Sound. They keep inside of Block Island, they keep inside of Nantucket, and they are exposed to the open ocean for hardly any part of the journey.

Mr. President, as the legislation now stands, a fishing smack could not leave the port of Jonesport, Maine, and take a smoked herring up to the Bay of Fundy without being liable to the pains and penalties of the law. A dried codfish could not be taken by a small fishing schooner from the port of Portland to the harbors of Nova Scotia. It seems to me we have had a nervous chill with respect to this legislation which has carried us to all sorts of absurdities. The notion that a submarine is likely to cross the broad Atlantic and torpedo a little 20-ton fishing boat is a complete absurdity.

I think it is not only right, but eminently sensible, that this amendment should be adopted.

Mr. AUSTIN. Mr. President, I favor this amendment.

I wish to read into the RECORD a statement which was written to me by the Eastern Steamship Lines, Inc., which serves the route referred to. This letter describes the route with such precision that I think all Senators can see how little advantage there would be to our national defense in proscribing these waters.

I read a very short extract from the letter:

The ships from New York to Nova Scotia sail through Long Island Sound, Block Island Sound, Vineyard Sound, and Nantucket Sound; and when they enter the Atlantic, they are over 60 miles northwest of the trans-Atlantic lanes and then diverge farther from the lanes out of New York.

The ships out of Boston, upon leaving the harbor, diverge at an angle of more than 30 degrees from the trans-Atlantic route, and at no time are on that route. In other words, these ships operate far inshore from the trans-Atlantic routes and sail in open water only through Massachusetts Bay, the Gulf of Maine, and the Bay of Fundy. Shoal waters, ledges, and violent tides make these waters highly undesirable for submarine operation, and there is comparatively little steamship traffic to attract them in any event.

This company operated continuously through the 4 years of the last World War, with both British- and American-flag ships, without having a ship molested in any way.

The ships call only at ports on the Bay of Fundy side of Nova Scotia and New Brunswick, and do not ever call at Halifax or anywhere else on the Atlantic side of Nova Scotia, so they are obviously far inside the trans-Atlantic lanes.

Mr. PITTMAN. Mr. President, I have already discussed this question in a colloquy with the Senator from Idaho.

I think there is a great distinction between commerce with Bermuda and commerce with Canada by oceangoing vessels. I think it is dangerous to carry on commerce with Canada, which is an active and very capable belligerent. If the vessels could go entirely through the inland waters, they would be exempt. However, they cannot go entirely through the inland waters. They go out to sea. There is great danger of submarines being all along the Canadian coast and our coast. Such commerce may result in the loss of life of seamen.

Of course, I understand that since we have made it absolutely unlawful to arm our vessels engaged in foreign commerce, the danger of sinking without notice is largely removed, as was only recently demonstrated. Nevertheless, while there might be the intention not to sink vessels without notice and to save the seamen, a submarine commander might sink them without notice.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. McNARY. I wish to ask the able Senator from Nevada what character of commerce is carried in the vessels using this route.

Mr. PITTMAN. I do not know. In fact, it does not seem to make much difference what they carry, judging from recent events.

Mr. McNARY. The able Senator from Maine has stated that the cargo is mostly fish and fish byproducts. Does not the Senator think it would take quite a vessel to lure a submarine? Would a submarine be after small watercraft of that kind?

Mr. PITTMAN. I do not know whether or not it is desired to limit the size of the watercraft going to Nova Scotia. Probably it would be desirable to limit them to small craft. I do not know how small the craft are, nor do I know what the cargo is, or what they can carry. It might be desired to limit them to small fishing craft.

Mr. McNARY. Mr. President, I am conversant with this subject only from what has been said; but it occurs to me that we ought to apply the rule of reason to limitations on the use of the water for the transportation of commerce. I cannot conceive of a submarine coming across the ocean to sink a fishing sloop. As we all know, submarines seek out the large ships carrying commerce. The craft in question are not numerous, and it is not by any means likely that ships carrying commerce between the points suggested in the amendment offered by the distinguished Senator from Massachusetts would in any way be a lure for submarines. I think we should take these matters into consideration.

As the able Senator from Nevada stated a few moments ago, and as we all know, the President may declare combat

zones. If there should be an infestation of submarines in that vicinity, the President could take care of the situation by the general authority already in the pending measure.

In a spirit of fair play and reason, I suggest to the Senator from Nevada and other Senators that the Senate should adopt the amendment offered by the Senator from Massachusetts [Mr. LODGE], ably supported by the Senator from Maine [Mr. WHITE]. I feel that we should give larger consideration to those who desire not to have their commerce destroyed unless it is necessary in the matter of national defense.

Mr. PITTMAN. Mr. President, I have attempted to be reasonable. I certainly do not want any commerce to be carried on with belligerents unless it appears almost certain that there will be no loss of life by reason of it. I cannot feel that there is no danger of loss of life in this character of transportation directly to Canada.

Mr. VANDENBERG. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. PITTMAN. I yield.

Mr. VANDENBERG. In connection with this general subject, will the Senator state, for the RECORD, what his interpretation is of the extent of our territorial waters?

Mr. PITTMAN. Three miles.

Mr. VANDENBERG. The Senator stops at 3 miles, and does not follow into the nebulous realm of national interest, wherever it may extend?

Mr. PITTMAN. I have answered the question. I say I think our territorial waters, at the present time, extend 3 miles.

Mr. VANDENBERG. I think the Senator is entirely correct.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. LODGE] to the amendment proposed by the Senator from Nevada [Mr. PITTMAN].

The amendment to the amendment was agreed to.

Mr. WHITE. Mr. President, calling the attention of the Senator from Nevada to the language in line 10, on the first page of the amendment, where it refers to "any port on the Pacific or Indian Oceans, including the China Sea, the Bay of Bengal, and the Arabian Sea," I move to amend by inserting after the word "sea", in line 10, the words "the Tasman Sea."

Mr. PITTMAN. I see no objection to that at all. I do not accept it, but I see no objection to it.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In the amendment proposed by Mr. PITTMAN, on page 1, line 10, after the words "China Sea", it is proposed to insert the words "the Tasman Sea."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maine [Mr. WHITE] to the amendment jointly offered by the Senator from Nevada and the Senator from Texas.

The amendment to the amendment was agreed to.

Mr. WHITE. In the amendment on page 2, line 13, after the word "sea", I move to insert the same words, "the Tasman Sea."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to, and without objection, the amendment as amended is agreed to.

Mr. BORAH. Mr. President, in connection with the amendment which has just been agreed to, I ask unanimous consent to have printed in the RECORD an article from the New York Times of Sunday last by Mr. Kluckhohn.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times of October 22, 1939]

UNITED STATES ACTS TO LET ITS SHIPPING LIVE—MERCHANT MARINE THREATENED BY SACRIFICE OF PRINCIPLE OF FREEDOM OF THE SEAS—MORE TRADE RIGHTS URGED

(By Frank L. Kluckhohn)

WASHINGTON, October 21.—With both the administration and the opposition in Congress agreed on the move, the United States is

preparing to sacrifice the principle of the freedom of the seas, for which it waged war in 1812 and which played a part in its entry into the World War.

It is doing so because of widespread popular feeling that the time-honored right of a neutral nation to ship wherever it wishes in its own bottoms, without hindrance by belligerents, is no longer worth sustaining if the price that may have to be paid is to sacrifice its peace.

With both administration and "isolationist" Members of Congress expressing the view that the possible sinking or capture of American ships by belligerents—and the possible killing of American seamen—is a danger that must be averted, there is little opposition to the move.

The chief question has been whether American ships are to be swept almost entirely from the seas, as proposed in the neutrality bill put before Congress at this session, or whether the right of American ships to trade would be banned merely with reference to the principal center of conflict in Europe.

AMENDMENT WORKED OUT

That question was practically settled this week when administration Senators, led by KEY PITTMAN, chairman of the Foreign Relations Committee; TOM CONNALLY, of Texas; and JOSIAH W. BAILEY, chairman of the Commerce Committee, worked out an amendment to the administration measure which would, in effect, bar American ships from trafficking with European ports both on the Atlantic and the Mediterranean, and with the eastern coast of Canada.

Under this amendment, American ships could trade with all ports, including those of belligerents, in the Pacific and Indian Oceans, the China Sea, the Bay of Bengal, and the Arabian Sea, as well as Atlantic ports south of 30 degrees north latitude, unless the President should decide that any particular area of these waters had become a "combat zone" and thus dangerous for the ships of a peaceful nation.

The amendment is intended to remove ships of this country from danger, and, at the same time, to permit them to engage in trade and carrying in other areas unless they bear officially designated instruments of war. It is expected to pass, if the neutrality bill does, because it is not the desire of the most extreme isolationist at this time to cut off trade in safe waters by American vessels or to limit, in any respect, traditional insistence by the United States upon the open door in China.

MANY LINES MUST QUIT

Even so the problems created for American shipping and trade by the voluntary abandonment of an ancient policy are enormous and unpredictably far-reaching. The most widely known Government and private merchant marine and commerce experts cannot foresee all the effects of such a change.

The present principal services of such American shipping lines as the United States Lines, American Export Line, and American-Scandinavian Line, as well as those plying by open sea with Canada and ports north on the Atlantic, must be discontinued.

The neutrality bill, even when revised with regard to shipping, merely opens the problem of how the merchant marine of this country can be kept alive during the present war without undue loss to private enterprise and without hamstringing the merchant marine as an important subsidiary of the United States Fleet in case this country should ever be forced to move to protect itself.

Not until the next session of Congress in January can the problem of cushioning the immediate shock to shipping be met.

American-flag vessels engaged in the transportation of passengers and dry cargo in our foreign trade number 326 and total 2,150,000 gross tons. Of these vessels, 44 of 308,000 tons are owned by the Government and 282 of 1,842,000 gross tons are owned and operated by private capital. Only 150 vessels of 1,000,000 tons, less than half of this fleet, are operating under Government subsidy contracts.

IMMENSE FLEET BUILDING

In addition to these ordinary ships, there are 365 tankers of 2,678,000 tons which fly the American flag. Such vessels are often shifted between foreign and domestic runs and provide an additional problem.

This is not all, however. In the last 2 years the Maritime Commission has ordered for itself, or in conjunction with private operators, 129 new vessels of more than 1,000,000 gross tons. Of these, 22 already have been launched and the rest will be completed in a year or two at the outside. About \$300,000,000 is being invested by the Government and shipowners in these vessels. Over a period of 10 years plans call for construction of a total of 500 new ships at a total cost of \$1,250,000,000.

It is estimated in Washington that there are from 8,500 to 9,000 seamen on passenger and cargo vessels that may be forced to suspend service as the result of even partial abandonment of the principle of the freedom of the seas. These men draw annual wages exceeding \$10,000,000, and they have been trained in a service that requires long apprenticeship. In the hope of establishing a satisfactory merchant marine for this country, schools have been opened for training new sailors.

STAKE IS HUGE

Vast sums have been spent by private owners and the Government in building up cargo arrangements and good will in these services and others. Gross annual revenues of more than \$50,000,000 would be lost, it is estimated, even if the modifying amendment to the neutrality bill were accepted. Officials here believe that 96

American-flag ships of 629,414 gross tons would have to be taken off their present runs in spite of this amendment.

The war already has forced the suspension of the American Scantic Line service through the Baltic beyond Copenhagen because its officials recognized the impossibility of operating there. Two ships of this service, and two belonging to the Maritime Commission, have been put in Latin American service since the war started.

"Very few foreign vessels have been withdrawn from the South American trade," the Maritime Commission reported to Senator BAILEY before the modifying amendment was agreed upon by key Senators. "The South American trade volume may increase, but steady employment for more than 100 additional American ships, or even a considerable portion of them, cannot be visualized."

"Similarly, trans-Pacific trade with the Orient has declined within the last year, and there appears no room for any number of additional vessels in this trade."

REROUTING IS A PROBLEM

Even should the number of ships taken off service to Europe, the Mediterranean, and Canada be reduced to 96 or less by the amendment, the difficulties in the way of rerouting all these ships are felt here to be almost insuperable.

Influential Senators who have become interested in the vital problem created have virtually decided upon introducing legislation in the next session of Congress by which Federal compensation would be provided for American ship lines which suffer unusual losses as a result of new policies. This cost, of course, would have to be borne by taxpayers.

Ambassador Joseph P. Kennedy stated, when he was head of the Maritime Commission, that the merchant fleet has become a vital element of national defense; it must be ready to support the fleet; conduct vital supplies such as tin, rubber, and manganese not produced in commercial quantities in this country; and, in the case of United States island possessions and the Panama Canal, to transport troops. It must also be prepared to carry out its part in preventing any alien attacks on Latin America.

The problem of supporting in idleness a large part of our merchant fleet is an enormous one, but officials here express the opinion that, under any and all circumstances, the United States merchant marine must be maintained in first-class trim and strengthened.

Mr. AUSTIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. AUSTIN. Does the amendment last agreed to include all that is printed on pages 1 to 3 of the amendment intended to be proposed by the Senator from Nevada [Mr. PITTMAN] and the Senator from Texas [Mr. CONNALLY]?

The VICE PRESIDENT. The Chair is informed by the Parliamentarian that it does.

Mr. PITTMAN. I offer two amendments, which should be considered together, as they constitute a motion to strike out and insert.

The VICE PRESIDENT. The first amendment offered by the Senator from Nevada will be stated.

The CHIEF CLERK. It is proposed to strike out all that portion of subsection (a) of section 7 after the word "person", in line 16, page 21, commencing with and including the word "Provided", down to and including the word "involved", in line 11, page 22, and to insert in lieu thereof a period after the word "person", in line 16, page 21.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nevada.

Mr. VANDENBERG. Mr. President, may we have the subsection now read as it will read if thus amended?

The VICE PRESIDENT. The clerk will read the subsection as proposed to be amended by the Senator from Nevada.

The Chief Clerk read as follows:

SEC. 7. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, issued after the date of such proclamation, or to make any loan or extend any credit to any such government, political subdivision, or person.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN] to the committee amendment.

Mr. VANDENBERG. Mr. President, will the Senator explain the purpose of the amendment?

Mr. PITTMAN. I think its purpose is perfectly apparent. The amendment proposes to strike out all discretionary power in the President in regard to the matter referred to in the subsection.

The VICE PRESIDENT. The question is on agreeing to the emendment offered by the Senator from Nevada to the committee amendment.

The amendment to the amendment was agreed to.

Mr. PITTMAN. Mr. President, I offer another amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 21, line 16, after the word "person", it is proposed to insert the following:

The provisions of this subsection shall also apply to the sale by any person within the United States to any person in a state named in any such proclamation of any articles or materials listed in a proclamation issued under the authority of section 12 (i).

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nevada [Mr. PITTMAN] to the committee amendment.

The amendment to the amendment was agreed to.

Mr. PITTMAN. Mr. President, I have one other amendment to offer. Unfortunately I do not have it before me at the moment. It is merely a perfecting amendment. I will get the exact language a little later on. It comes at the end of line 4, page 19, following the word "area", to insert the words, as I recall, "and such area may be made to apply to surface vessels or aircraft or both." I think that is the language.

Mr. AUSTIN. Mr. President, will the Senator from Nevada yield?

Mr. PITTMAN. I yield.

Mr. AUSTIN. At the time of the proceedings I wrote down the language of the Senator's amendment in my copy, and it was as follows:

The combat areas so defined may be made to apply to surface vessels or aircraft or both.

Mr. PITTMAN. That is the exact language. I move the insertion of those words.

The VICE PRESIDENT. The Senator proposes as his amendment the words suggested by the Senator from Vermont?

Mr. PITTMAN. That is what I propose.

Mr. McNARY. Where is the amendment to come in?

Mr. PITTMAN. On page 19, at the end of line 4. I will say that the reason for it is that it is obvious there might be danger zones for surface ships which would not be danger zones for aircraft.

Mr. CLARK of Missouri. Mr. President, may the amendment be again stated?

The VICE PRESIDENT. The clerk will again state the amendment.

The CHIEF CLERK. In line 14, on page 19, after the word "area", it is proposed to insert the words "The combat areas so defined may be made to apply to surface vessels or aircraft or both."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN] to the committee amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. Has the Senator from Nevada further amendments to offer?

Mr. PITTMAN. I have no further amendments to offer at the present time.

The VICE PRESIDENT. The joint resolution is before the Senate and open to further amendment.

Mr. WAGNER. Mr. President, I should like to ask the Senator from Nevada a question.

The VICE PRESIDENT. The Senator from New York is recognized.

Mr. WAGNER. I should like to make an inquiry of the Senator from Nevada to clear up the situation in my mind. A short time ago the Senate adopted an amendment which would permit American ships to carry goods to belligerent ports, speaking generally, outside of Europe, without requiring that the title to the cargo be transferred prior to the departure of the vessel from an American port.

Mr. PITTMAN. That is on American vessels, of course?

Mr. WAGNER. Yes; on American vessels. Am I to understand that the cash provision or the credit provision no longer applies?

Mr. PITTMAN. Oh, no; not at all. The Senator will remember that the cash provisions in the existing law and the cash provisions carried in the pending measure are entirely separate.

Mr. WAGNER. That is true.

Mr. PITTMAN. And this exception has nothing on earth to do with the financial terms which require governments to pay cash and require all nationals of any belligerent government also to pay cash for anything that is listed under section 12 (i).

Mr. WAGNER. I understand that. I was about to ask a further question, if the Senator will yield again. If goods leave this country without title having passed, there may not yet be a prospective purchaser of those particular goods, because the ownership is still in the American citizen, the seller of the goods. When is cash to be paid if the purchaser has not yet been ascertained?

Mr. PITTMAN. We have in the joint resolution a provision which requires information to be given to the collector of the port before the vessel leaves as to the port of destination, the consignee, the character of the goods, and everything connected with the cargo.

Mr. WAGNER. I see a slight conflict, and the reason I am inquiring is to clear up the matter. I know the Senator is able to clear it up; but may not the situation arise which I am about to state? Let us be clear about it now, so as not to have a controversy about it later.

An American ship takes cargo to New Zealand. Under the amendment as adopted title does not have to be transferred prior to the cargo leaving our port. Therefore it may very well be that there is no purchaser yet in sight.

Mr. PITTMAN. There is a consignee in sight, however.

Mr. WAGNER. In other words, the Senator's position is that the consignee, whoever he may be, would have to pay cash for the material before it leaves our port?

Mr. PITTMAN. He would, except for this exemption. If he is in a neutral country, he will not have to pay cash. If he is in a belligerent country, he will have to pay cash.

Mr. WAGNER. Whether or not title is transferred, the Senator's view is that that would have to be done. I agree with the Senator.

Mr. PITTMAN. And if there should be an attempted evasion of the law, the shipper would be guilty of a penitentiary offense.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, in the nature of a substitute, as amended.

Mr. CONNALLY. Mr. President, with the consent of the Senator from Nevada, I ask unanimous consent to reconsider the vote by which the amendment offered by the Senator from Nevada was adopted a moment ago, because I desire to offer another amendment to it, amending subsections (g), (h), and (i) of section 2—a shipping amendment. I was temporarily out of the Chamber and had an amendment I desired to offer. In my absence the Senate adopted the amendment offered by the Senator from Nevada. I desire to recur to that amendment and have it reconsidered so that I may offer an amendment to it.

The VICE PRESIDENT. Will the Senator indicate to the clerk what the amendment is which he desires to have reconsidered?

Mr. CONNALLY. It is the amendment offered by the Senator from Nevada [Mr. PITTMAN] and the Senator from Texas relating to subsections (g), (h), and (i) of section 2 of the joint resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Texas? The Chair hears none. The vote by which the amendment was agreed to is reconsidered, and it is now pending before the Senate.

Mr. CONNALLY. Mr. President, I offer the amendment which I send to the desk to the pending amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 1, line 11, after the semicolon, it is proposed to insert: "or (3) to any port on the South Atlantic Ocean south of 30° north latitude".

Mr. CLARK of Missouri. Mr. President, page 1 of what?

Mr. CONNALLY. Page 1 of the amendment of the Senator from Nevada, which is on the Senator's desk.

Mr. CLARK of Missouri. It seems to me the amendment should be drawn with reference to the joint resolution as it is going to be enacted.

Mr. CONNALLY. It cannot be, because the amendment of the Senator from Nevada replaces language in the joint resolution; and if we are going to amend the amendment, it is necessary to direct the amendment to the original amendment rather than to the joint resolution. I can very briefly explain it.

Mr. CLARK of Missouri. I shall be glad to hear the Senator's explanation.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Texas to the amendment of the Senator from Nevada.

Mr. CONNALLY. Mr. President, just a few words in explanation.

Under the amendment of the Senator from Nevada [Mr. PITTMAN] which is now pending, we have exempted shipping to South and Central America south of 35° north latitude. This amendment has as its objective in the South Atlantic purely Africa south of 30°. I do not want to bring it up to 35°, because, if that were done, we would get up in the neighborhood of the Mediterranean, where there are French and other possessions that we do not want to touch; but under the amendment I now offer, American vessels may operate in the South Atlantic south of 30° north latitude.

The only real objective is Capetown. We do not think there is any real danger there; but the shipping interests claim that while, under the existing law, they may go to Liberia for rubber, and all that sort of business, unless they are allowed to touch at the other ports farther to the south the business is not profitable, and they will be very greatly hampered.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. Is it the Senator's idea that the principal amendment offered by himself and the Senator from Nevada permits American vessels to navigate the South Atlantic?

Mr. CONNALLY. It does not, unless this amendment shall be adopted. They may go into the South Atlantic, but they may not go to any belligerent port in the South Atlantic. They may not go to Capetown, for instance.

Mr. CLARK of Missouri. I am in sympathy with the Senator's objective in this matter, but I should like to know whether the Connally-Pittman amendment, or the Pittman-Connally amendment, as the case may be, prohibits American vessels from going through the South Atlantic. In other words, it seems to me it is perfectly obvious, as has been represented to me by the representatives of one of the only two lines that run to Capetown, that if it is necessary for American ships to go through the Panama Canal and go down the west coast of South America, or else go across the Pacific and come around through the Indian Ocean, involving possibly 17,000 miles of additional voyage, those lines will be automatically put out of business. On the other hand, if they are permitted to come through the South Atlantic, it seems to me they run just as much risk of being sunk by submarines, or attacked by raiders, in going through there and passing by Capetown as they would by going around the Cape of Good Hope and landing at the first port on the Indian Ocean. I should simply like to have the Senator's opinion as to whether, under his own amendment, shipping is barred from going through the South Atlantic Ocean.

Mr. CONNALLY. Oh, no. I will explain the matter to the Senator.

Mr. CLARK of Missouri. I shall be very glad to hear the explanation.

Mr. CONNALLY. Under the joint resolution as originally conceived, and under the amendment drawn by the Senator from Nevada and now pending, we do not prohibit American ships from going anywhere except to belligerent ports. They may go now all over the South Atlantic, and unless they carry something to a belligerent port there is no prohibition on their movements.

Since they may go to South Africa and trade with all the other little countries along the coast, I see no reason why they should not be allowed to touch at Capetown, because they may now go and will go to the other places in that area; and if it should develop that submarines were active in that area, the President, of course, could put down a combat area over Capetown and exclude it. I am simply trying to let our ships go wherever they may go without danger.

Mr. CLARK of Missouri. Mr. President, if the Senator will yield—

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. I think his present contention is entirely logical, and I think it exposes the weakness of the whole caucus amendment relieving the Indian Ocean. In other words, it seems to me it is no more dangerous to go to Capetown than it is to go to Mossel Bay, the first port in the Indian Ocean, 150 miles from Capetown. It seems to me the Senator's contention exposes the weakness of the whole amendment in permitting American vessels to go through the danger zone and clear around to the Indian Ocean.

I have no opposition to the Senator's amendment. I think that if the caucus amendment should be adopted, this is a very logical provision.

Mr. CONNALLY. I thank the Senator from Missouri. I think Senators generally agree that in view of the other provisions which we have already adopted, or will adopt in a moment, it is entirely logical to exempt the South Atlantic south of 30° north latitude. Under the joint resolution now, vessels may sail all over the South Atlantic and all over the North Atlantic so long as they do not go to a belligerent port.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Texas to the amendment of the Senator from Nevada [Mr. PITTMAN].

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. TAFT. Mr. President, I offer an amendment, which I ask to have stated.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment on page 19, after line 21, it is proposed to insert the following:

(d) So long as the present war between Great Britain, France, Germany, and other countries continues, all waters within 300 miles of the continent of Europe, of Great Britain, of Ireland, are hereby declared to be a combat area, with the same legal effect as if the President had proclaimed such waters a combat area under paragraph (a) of this section, and had not modified, extended, or revoked such proclamation under paragraph (c) of this section.

Mr. TAFT. Mr. President, the amendment proposes that we declare a legislative combat zone on all waters within 300 miles of the continent of Europe. I yield to no one, not even to the Senator from Nevada, in my devotion to the cash-and-carry principle, but it seems to me that it was always a mistake in the joint resolution to prohibit shipments to belligerent countries. I do not see what relation that has to keeping American ships out of danger.

This conclusion is illustrated by the fact that we have had to amend the joint resolution and amend it and amend it by making all kinds of exceptions. If, instead of eliminating it altogether, we can accomplish the same purpose by amending it, I have no great objection. But certainly there is no logic, so far as I can see, in permitting American ships to go to Belgium, Holland, and Spain, right through the submarine zone, and in prohibiting their going to Bermuda or to some

other section of the world where there is practically no danger whatever.

It seems to me, furthermore, that we should ourselves assume to say what the war zones should be. I do not see how anyone can declare a war zone in Europe, if he desires to be impartial, without doing substantially what I propose shall be done under the amendment I have offered.

If the President, for instance, should declare a war zone which did not include Portugal, then American ships could go to Portugal and carry goods to be transhipped to England, and every submarine in the Atlantic Ocean would be outside of the port of Lisbon waiting for those ships.

The argument which has been made has made it perfectly apparent that what the Senator from Nevada desires is to keep all American ships from going to Europe, and he does not care where else they go in the world; and that is exactly my position. I think we ought to carry out that provision by providing for this limitation.

I might say, furthermore, that I do not share the fear for American shipping we hear expressed. American shipping comprises less than 5 percent of the total shipping of the world. The effect of removing it from the European zone entirely is merely to force the British to bring their ships in to transport goods through that zone and leave other places in the world where American shipping can well be taken care of. In fact, I should be very much surprised if American ships did not make two or three times the profits during the next year, and while the war lasts, they made in peacetime, before the war started. So it seems to me that the sound and logical position for the Congress to take is to impose a legislative prohibition on ships of any kind going to Europe. I think the fact which I have pointed out today, that the *City of Flint* has been allowed by the Maritime Commission to go right through the submarine zone, illustrates my point. They say they cannot govern such a vessel, but under the statute they have the right in an emergency to cancel any charter if the charterer is not willing to accept the orders they issue as to ships going into a zone where its presence might give rise to an incident which would provoke war.

I think it is our responsibility. It is wrong for us, in carrying out the cash-and-carry plan, to permit American ships to go into a zone which is just as dangerous, whether they are going to Belgium or Holland or Scandinavia, as it is if they are going to France and England.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. CONNALLY. Does the Senator know of any ship so far that has been stopped in any of these waters that was not going to one of the belligerents? The Swedish and the Danish and the other ships which have been sunk were all destined for belligerent ports, were they not?

Mr. TAFT. I am not sure about that. I do not think we know, and I do not know any way by which I could find out.

Mr. CONNALLY. Even the *Athenia* was on its way to Canada, which technically is a belligerent country. No ship has been sunk where it has not been destined to a belligerent port.

Mr. TAFT. That is by the merest chance, I think. I do not think it makes any difference to the Germans whether a ship is going to Portugal for the goods to be transhipped to England or going direct to England. I do not see why they should care to distinguish.

Mr. PITTMAN. Mr. President, I think the restriction proposed by the Senator from Ohio is greater than any restriction that has ever been suggested by any other Member of the Senate. We did go as far as we could with regard to belligerents when we proposed to make it unlawful for American vessels to carry on any commerce with belligerents. But there are only three belligerents in Europe today, and there are 10 or 15 neutral countries which probably would be covered by this zoning proposal. The Senator proposes to put into effect a zone and to prohibit absolutely American vessels from going into the zone or through the zone, without any experience or knowledge with regard to whether or not any danger would be involved. Our experience so far during this

war has not indicated any danger whatever to the lives of our citizens, and that is what I am interested in. I want it distinctly understood that my interest in the ships and the cargoes is entirely secondary.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. TAFT. How is a German submarine commander to tell whether an American ship is going to England or Holland?

Mr. PITTMAN. By going on board and examining it.

Mr. TAFT. But will he go on board and examine it? The World War was brought about, as the Senator so eloquently described, by the sinking of American ships by submarines without notice, and that is the thing we have to fear now.

Mr. PITTMAN. I agree with the Senator.

Mr. TAFT. As soon as this joint resolution shall be disposed of one way or the other all this holding off is going to end. At the present time I have no doubt that the German Government and others desire not in any way to alienate American opinion, but once the joint resolution is disposed of, I do not care which way the vote goes, we will have the threat, at least, of an unrestricted submarine warfare.

Mr. PITTMAN. It is undoubtedly true, as the Senator has said, that it may develop, as it did in 1917, that there will be unrestricted submarine activities, which will mean the sinking of merchant vessels without regard to their nationality and without regard to whether or not they are carrying contraband and without regard to their destination. But until that is indicated by one of the belligerents, it seems to me to be both unwise and unnecessary to cut off our commerce with all of the neutral nations of Europe because there are three belligerents there.

When our ships were sunk during the World War the Germans asserted that they were sinking them because they were dealing with their enemies, and that they could not tell whether they were going to their enemies or going to neutral countries, since they could change their courses. They also contended that the goods which were billed for neutrals were carried in as prizes by the British Government to their ports and the materials taken possession of. But be that as it may, it finally developed that the Germans, through retaliation and otherwise, commenced to submarine neutral vessels without notice, with accompanying destruction of lives of seamen, and at that very minute we should have stopped our ships from going into that zone. But we had no law by which we could do that. At that time we were standing on international law.

Let us suppose that vessels going to Holland, or Norway, or Sweden, or Belgium, or Denmark are seized, just as the *City of Flint* was seized yesterday. If vessels are seized in that manner, then there is no danger to the peace of this country, because there is no danger to the lives of any citizen of this country. The question as to whether or not the *City of Flint* was carrying contraband is a legal question, which first is determined by the belligerent. After the war is over, it may be determined by arbitration.

Let us assume that one ship got through to Holland, or Belgium, or Norway, or Sweden, or Denmark, and that others were captured as was the *City of Flint*. The ship may be insured by an insurance company, but under the provision of the joint resolution neither the amount paid by the insurance company nor the amount representing the loss of the ship itself can be made the basis of a claim by the United States Government. The cargo, if it is not going to a belligerent, is insured in nearly every case. If every seizure of a ship, even one going to Great Britain or France, should be accompanied by the circumstances surrounding the seizure of the *City of Flint*, there would be no threat to our peace at all.

Mr. TAFT. But does the Senator think that, once the joint resolution is disposed of one way or the other, we will have this very courteous treatment, by which the *City of Flint* is merely seized as a prize and run into a neutral port, from which we can probably recover it? Does not the Senator realize that the moment we have disposed of this matter, and the Germans do not care any further how they affect public opinion, they are just as likely to torpedo a ship such as the

City of Flint? Is it not only the fact that this controversy is pending that has resulted in this extraordinarily polite treatment accorded to an American ship in the submarine zone?

Mr. PITTMAN. I do not believe they will be so polite, I agree with the Senator, but by the pending joint resolution we make it unlawful to arm our vessels, not as provided in the present law, vessels engaged in commerce with belligerents, but we make it unlawful to arm our vessels engaged in any foreign commerce. Therefore every belligerent has notice that our ships cannot be armed. That is No. 1.

No. 2. If we do not simply rely on the flag, but before they leave the ports, if we mark our ships on the port side and the starboard side, there will be no excuse for search and seizure under international law, will there?

Mr. TAFT. The excuse is not needed, but if the Senator will yield, I wish to ask him a further question. Has the Senator any advice as to what zones the President would declare to be war zones if the pending measure should be passed? He can declare a war zone, but is not this a declaration of a war zone without favoring one nation or the other?

Mr. PITTMAN. It is perfectly equal and perfectly fair as between all nations. But the question comes down to the point whether it is not an unnecessary surrender of our commerce at the present time, without any experience whatever, or without any loss of life having occurred at all, simply to say that by law we make a zone covering practically the whole of Europe, in which an American ship cannot go, and that provision will remain in the law until Congress meets again and repeals it. How much more practical is the provision of the pending measure. If the President finds that American vessels engaged in neutral commerce are being submarined, with the loss of life of our seamen, he may establish combat areas where there is need, and when there is need, and only so long as there is need.

Mr. TAFT. Do I understand that the President then will not declare any war zones at all under the authority of the pending measure under present conditions unless something further develops?

Mr. PITTMAN. I do not know why he should do it.

Mr. TAFT. The Senator's opinion, then, is that there is no need for any declaration of war zones; that American ships can go directly to all the countries of Europe, right through submarine zones? It seems to me the Senator is stultifying every argument he has made in favor of the measure by his argument today that it is safe to send American ships to Europe through submarine war zones, where they may be sunk.

Mr. PITTMAN. I think it is always dangerous for a neutral to engage in commerce with a belligerent. I still so contend. I maintain that that is one of the causes which brought us into the World War. It directly resulted in the submarining of our ships without notice and without the chance of saving life. But the Senator from Nevada has not gone so far as to say that our ships shall not deal with neutrals throughout the world. The Senator, however, would suggest the proviso that if dealing with neutrals resulted in unlawful acts on the part of belligerents, resulting in the loss of life of our seamen and citizens, the President should temporarily stop commerce in such areas by proclaiming the existence of the combat area zones. That is all I have to say at present.

Mr. BORAH. Mr. President, the amendment provides:

(d) So long as the present war between Great Britain, France, Germany, and other countries continues, all waters within 300 miles of the continent of Europe, of Great Britain, of Ireland, are hereby declared to be a combat area, with the same legal effect as if the President had proclaimed such waters a combat area under paragraph (a) of this section, and had not modified, extended, or revoked such proclamation under paragraph (c) of this section.

As I understand this amendment, it would practically prevent any shipment on the part of American vessels to any part of the European Continent.

Thomas Jefferson once said that a belligerent had two great objectives. One was to win the war and the other was to seize the commerce of neutrals. We are making a great contribution to the commercial interests of other nations. Yielding as I am now yielding to the cash-and-carry policy

because I have to, it seems to me that it is nothing less than our supreme duty to make as little sacrifice of our shipping interest as possible and still keep out of danger. In other words, we should not take our ships off the sea unless it seems necessary to do so. I would not take a single ship off the sea unless I was satisfied that it was entering a real danger zone, unless I was satisfied that such action was necessary in order to protect the lives of our seamen and our property. Where there is little or no real danger, let us protect our important shipping business.

Mr. President, we are making a tremendous sacrifice by keeping our ships off the sea even to the extent already provided in the bill. The resultant loss will be greatly felt throughout the country, do the very best we may. It seems to me there ought to be as much of a limitation as is practically possible when it is proposed to take our ships off the sea.

I therefore feel that we ought not to adopt an amendment of this kind. As I understand the Senator from Ohio, he would practically sink all our ships.

Mr. TAFT. Mr. President, is the Senator from Idaho aware of the fact that 90 percent of our trade to Europe is already carried in foreign ships and not in our own ships? Is he aware of the fact that American shipping comprises less than 5 percent of all the ships in the world; that there are plenty of places for American ships to go outside of Europe?

Mr. BORAH. No. I think the Senator is in error as to his percentages. I am not aware either that there are plenty of places outside of Europe for our ships to go. We ought to seek to build up our shipping business. If it is possible for us to build up a shipping business, we ought to do so. We should not, every time a disturbance takes place, get off the sea and indicate to the nations of the world that we are willing to get off the sea. What incentive will people have to build up our shipping interests if we sacrifice their business by such proposals as this every time a disturbance happens in Europe?

Mr. BARKLEY. Mr. President, just a word with respect to this amendment. If it should be adopted it would be impossible for an American ship to go to Norway, Sweden, Holland, Belgium, Russia, Spain, or to get into the Mediterranean Sea at all. There is no war in the Mediterranean Sea up to this time. Of course, if Italy should ever get into the war she would become a belligerent, and there would be a war in the Mediterranean; but even if she should not get into the war, the President, under the provisions of this measure, if it shall be adopted, could establish a war zone in the Mediterranean by reason of the fact that France borders on the Mediterranean for a certain distance.

If the proposed amendment should be adopted, although there is now no danger, and there never may be any danger in the Mediterranean Sea, no American ship could go through the Straits of Gibraltar and into the Mediterranean.

Mr. TAFT. Mr. President, does the Senator think that any American ship gets through without a thorough examination by the British?

Mr. BARKLEY. It probably does not. But it could not even pass through the Straits into the Mediterranean under the Senator's amendment. I agree with the position taken by the Senator from Idaho. Are we willing to take our merchant marine from the high seas when no real danger exists?

Reference has been made to the *City of Flint*. If the joint resolution which we are now advocating had been a law yesterday, the *City of Flint* would not have been captured. That incident would not have occurred, because that ship could not have been destined toward any English port. No matter what it carried—even if it carried umbrellas or shoes or golf balls, or whatever it carried—it could not have gone into any English port, and therefore there would have been no reason for its seizure.

I certainly hope that we are not ready now to say that because there is a war among three nations in Europe, we shall deny the right of our ships to go to any other nation in Europe. If danger zones should be created because of change in the situation, the President could take care of the matter. Certainly we ought not to try to do it by law.

Mr. WHITE. Mr. President, I am reluctant to be in disagreement with the Senator from Ohio, but I cannot give my approval to his proposed amendment. I suppose no Member of the Senate is more reluctant than am I to see extraordinary powers conferred upon the President of the United States, but it seems to me that if we are to accept the principle of combat zones at all—if we are to give approval to that principle—in the last analysis we must lodge in the Executive discretion to determine those combat zones. If we write into the statute such a provision as is here suggested, we shall have rigidity. We shall be utterly unable to adapt our commerce to the changing circumstances of a war.

It has been suggested by the Senator from Kentucky that under this amendment our ships could not enter the Mediterranean area at all. I agree with him. The statement is a correct one. I have the hope, I have the belief, that even with the war now raging, we can send our ships with a reasonable degree of safety through the Straits and into the Mediterranean area.

The Senator from Ohio referred to the small percentage of cargoes carried in American ships to the ports of Europe. Mr. President, almost 25 percent of American exports going to the United Kingdom today are being carried in American ships. Of the American exports going to the Mediterranean area today, more than 30 percent are carried by American ships.

The joint resolution, as it stands, strikes a damaging blow to the American merchant marine. I find it impossible to reconcile all the figures I have seen; but I believe it to be reasonably accurate to say that, even with the amendments now adopted, 40 percent of the American tonnage will be swept from the oceans of the world. I am not willing further to hamper, disrupt, and destroy American trade in American ships. I am quite content—because I think the necessities of the situation require it—to leave to the flexibility of administration the determination of combat zones.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. Taft] to the committee amendment.

Mr. TAFT. Mr. President, if Senators will look at the map of Europe on the back wall they will see that, if we declare a war zone at all, it is almost impossible to exempt from the war zone the waters of the English Channel, if our ships are to be allowed to go to Belgium or Holland. Submarines are extremely active in all this area. It is not possible to go to Scandinavia without going right through the war zone. I do not understand how any submarine commander can tell where a ship is going. Lisbon is largely under English influence, so that any ship going to Lisbon would be suspected by the German submarine command.

Mr. President, we want to avoid danger to American ships and to avoid events which are likely to get us into war. The same situation would apply to ships going to Lisbon as would apply to ships going to Belgium, Holland, or anywhere else in Europe. The Mediterranean is not now a war zone, but vessels going through that area may well be bound for Marseilles. That is one of the best ways to get material to the French Army. There is no reason at all why German submarines cannot operate in the Mediterranean. I do not know that I have seen notices of any Mediterranean sinkings, but certainly the danger is just as great there as anywhere else. A submarine base can be located in the Adriatic Sea, as was done in the World War. If we want to avoid danger, if we want to assume the responsibility for really preventing war, the only way we can do it is to provide that American ships shall not go into a zone which today is the battleground of the nations of Europe, whether it be in the Mediterranean or on the Atlantic Ocean.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. GILLETTE. Does the Senator have in mind, if his amendment should be adopted, that it would not only prohibit American ships from going into the area he delineates but would prevent American citizens from going into that area?

Mr. TAFT. No; I think American citizens could go on neutral ships.

Mr. GILLETTE. If the Senator will pardon me, the section in question prohibits any citizen of the United States or any American vessel from proceeding in or through a combat area after such area has been defined.

Mr. TAFT. I think that provision should be eliminated from the joint resolution. I did not know it was there. Suppose the President should, under the authority granted him, declare a combat area. We should not say to him that he may not declare a combat zone without prohibiting Americans from going through that combat zone on the *Statendam*, for example, which is a Dutch passenger ship. I think that would be a great mistake; and if the joint resolution so provides, that provision ought to be eliminated.

Mr. GILLETTE. The joint resolution certainly provides that; and if the amendment of the Senator were adopted, providing that the same prohibition shall extend 300 miles from continental Europe, it would also prohibit American citizens from going to Palestine.

Mr. TAFT. The argument against that provision is only slightly stronger than the argument against the joint resolution as it stands, which provides that the President may declare a combat zone only if he is willing to prohibit American passengers as well as ships from going into it.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. CONNALLY. As I understand, the Senator's objective is to keep any American ship from going within 300 miles of Europe.

Mr. TAFT. Yes.

Mr. CONNALLY. Yet he says he is willing for American citizens to go into that combat zone.

Mr. TAFT. That is correct, because, in general, American citizens will not go to Europe. The State Department is limiting passports to those who absolutely must go to Europe. They will get there in one way or another, and should. We simply must take a chance on a few Americans possibly being killed.

Mr. CONNALLY. What is the logic in saying that we will not let ships go into such areas, but will permit American citizens to go there? It seems to me the life of an American citizen is worth more than any ship afloat.

Mr. TAFT. Yes; but it is not so likely to result in war.

Mr. BARKLEY. Why not?

Mr. TAFT. In the World War the *Lusitania* was sunk almost 2 years before we declared war. The sinking of the *Lusitania* did not produce war. What finally produced war was the sinking of American ships and the killing of American citizens on American ships.

Mr. CONNALLY. Certainly; but the Senator would not say that the sinking of the *Lusitania* did not have a profound effect on the psychology of the whole world, would he?

Mr. TAFT. It had some effect; but long after the *Lusitania* had been sunk, the Democratic Party campaigned on the argument that the Democratic administration had kept us out of war.

Mr. BARKLEY. And long after the German Government had agreed not to repeat the offense. Does the Senator think that the American people would become more aroused over the sinking of a ship operated by a belligerent, with Americans on it, than they would over the sinking of a neutral ship with Americans on it?

Mr. TAFT. I think they would not be greatly alarmed by the sinking of a Dutch ship on which a few Americans had obtained special permission from the State Department to sail to Europe under special passports on what was recognized as perfectly legitimate business.

Mr. BARKLEY. One of the reasons why we are putting American citizens on the same basis as American ships, and keeping both of them out of the danger zones, is that we regard the lives of American citizens as of equal value with property. As President Wilson said, property can be compensated for, but lives cannot be compensated for.

Mr. TAFT. Yes; but we cannot eliminate all chance of trouble. We cannot eliminate, for instance, the chance that

a ship may be sunk going to Bermuda. It might be. We cannot eliminate the chance that a few Americans going to Europe, strictly limited by the State Department under authority of law to a very few, might possibly be killed.

Mr. BARKLEY. But if we are to avoid the incidents and causes of complaint and protests out of which war might come, certainly we are as much obligated to protect the lives of American citizens by forcibly keeping them out of war zones as we are to protect merchant vessels or property carried thereon, because, as we all know, the things which will arouse the American people, as they did in 1914, 1915, 1916, and up to the 6th of April 1917, are not so much the destruction of property carried under the flag of the American Republic as the destruction of American lives. Even the destruction of the lives of 124 Americans on the *Lusitania*, which was a belligerent ship flying the British flag, came perilously near bringing us into war. As the Senator knows, many persons were urging us to go to war on that account. What we are trying to do is to keep down the possibility or the probability of such incidents by keeping our people out of war zones and penalizing them by a heavy fine and imprisonment if they violate the law.

Mr. TAFT. Under the joint resolution, as it now stands, we say we will not permit an American ship to go to Halifax, but we will permit it to go through the English Channel to Belgium or Holland. I say that is utterly illogical. The chances of destruction are infinitely greater in going to Belgium, Holland, or Spain than they are in going to Halifax. What we are concerned with is producing a condition in which American ships are not so likely to be sunk. We cannot entirely eliminate the chance of American ships being sunk.

Mr. BARKLEY. Ships do not have to go through the English Channel to reach Belgium. They can go around Scotland and come down the North Sea.

Mr. TAFT. There is about four times as much submarine activity in the latter area as there is in the former.

Mr. BARKLEY. But they have more water in which to maneuver.

Mr. TAFT. Mr. President, I feel very strongly that we should try to avoid incidents which might bring America into the war. I believe very strongly that if combat areas are not declared, the prohibition against ships going to belligerent countries is hardly worth the paper on which it is written. It is a slight improvement, but it does not by any means get at the principal danger which we face in the creation of incidents which may lead to war. If Congress refuses to declare a legislative war zone, the responsibility for such incidents rests upon our shoulders.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT] to the committee amendment.

Mr. TAFT. Mr. President, I ask for the yeas and nays.

Mr. CONNALLY. Mr. President, I very much hope that this amendment may be defeated. It would be practically destructive of our entire commerce. Under the joint resolution the President has the power to designate combat areas.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio to the committee amendment.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Byrnes	Gerry	Johnson, Calif.
Andrews	Capper	Gibson	Johnson, Colo.
Austin	Caraway	Gillette	King
Bailey	Chandler	Green	La Follette
Bankhead	Chavez	Guffey	Lee
Barbour	Clark, Idaho	Gurney	Lodge
Barkley	Clark, Mo.	Hale	Lucas
Bilbo	Connally	Harrison	Lundeen
Borah	Danaher	Hatch	McCarran
Bridges	Davis	Hayden	McKellar
Brown	Donahay	Herring	McNary
Bulow	Ellender	Hill	Maloney
Burke	Frazier	Holt	Mead
Byrd	George	Hughes	Miller

Minton
Murray
Neely
Norris
Nye
O'Mahoney
Overton
Pepper
Pittman

Radcliffe
Reynolds
Russell
Schwartz
Schwellenbach
Sheppard
Shipstead
Slattery
Smathers

Smith
Stewart
Taft
Thomas, Okla.
Thomas, Utah
Tobey
Townsend
Truman
Tydings

Vandenberg
Van Nuys
Wagner
Walsh
White
Wiley

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

The question is on the amendment of the Senator from Ohio [Mr. TAFT] to the committee amendment on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. CLARK of Missouri. The Senator from Montana [Mr. WHEELER] is unavoidably detained from the Senate. I am authorized to say that, if present, he would vote "yea."

Mr. SHIPSTEAD. I have a pair with the Senator from Virginia [Mr. GLASS]. I understand, if present, he would vote as I intend to vote. Therefore I am at liberty to vote, and vote "nay."

Mr. McNARY. I announce that my colleague the junior Senator from Oregon [Mr. HOLMAN] is necessarily detained. If present, he would vote "yea."

The Senator from Kansas [Mr. REED] is necessarily absent.

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS] is detained from the Senate because of illness. I am advised that if present and voting, he would vote "nay."

The Senator from Washington [Mr. BONE] is detained because of illness.

The Senator from Arizona [Mr. ASHURST] is absent because of illness in his family.

The Senator from California [Mr. DOWNEY] has been unexpectedly called to one of the Government departments on matters pertaining to the State of California.

The result was announced—yeas 18, nays 71, as follows:

YEAS—18

Capper
Clark, Mo.
Donahay
Frazier
Gibson

Gurney
Hale
Johnson, Calif.
La Follette
Lundeen

Tobey
Walsh
Wiley

NAYS—71

Adams
Andrews
Austin
Bailey
Bankhead
Barbour
Barkley
Bilbo
Borah
Bridges
Brown
Bulow
Burke
Byrd
Byrnes
Caraway
Chandler
Chavez

Clark, Idaho
Connally
Danaher
Davis
Ellender
George
Gerry
Gillette
Green
Guffey
Harrison
Hatch
Hayden
Herring
Hill
Holt
Hughes
Johnson, Colo.
King
Lee
Lodge
Lucas
McKellar
Maloney
Mead
Miller
Minton
Murray
Neely
Norris
O'Mahoney
Pepper
Pittman
Radcliffe
Reynolds
Russell

Schwartz
Schwellenbach
Sheppard
Shipstead
Slattery
Smathers
Smith
Stewart
Thomas, Okla.
Thomas, Utah
Townsend
Truman
Tydings
Vandenberg
Van Nuys
Wagner
White

NOT VOTING—7

Ashurst
Bone

Downey
Glass

Holman
Reed

Wheeler

So Mr. TAFT's amendment to the committee amendment was rejected.

Mr. DANAHY. Mr. President, I send an amendment to the desk and ask that it be stated by the clerk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 28, line 10, after the word "therefor", it is proposed to insert a semicolon and the following words:

Provided, no license shall be issued by said Board for the export of aircraft of any type, whether assembled or unassembled, and all engines and parts thereof as described in category III and category V of Presidential Proclamation No. 2,237, issued May 1, 1937, until there shall have been delivered to the Army and Navy of the United States at least 3,000 completely equipped military and naval aircraft or such larger number as shall be certified by the General Staff to be necessary for the defense of the United States. Upon such certification of the Board, licenses to export such aircraft may be issued.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Connecticut to the committee amendment in the nature of a substitute.

Mr. DANAHER. Mr. President—

The VICE PRESIDENT. By the sound the "noes" seem to have it.

Mr. CLARK of Missouri. Mr. President, a point of order. The Senator from Connecticut was addressing the Chair.

The VICE PRESIDENT. The Chair begs the Senator's pardon. The Chair was looking directly at the Senator from Connecticut when he put the question.

Mr. CLARK of Missouri. Mr. President, if the President will permit, I not only saw but heard the Senator from Connecticut address the Chair. I do not believe business will be expedited by trying to railroad it in this body.

The VICE PRESIDENT. The Chair is not going to try to railroad it, but there is not going to be any "horse and buggy" procedure in the Senate. [Laughter.] The Senator from Connecticut.

Mr. DANAHER. Mr. President, in the RECORD for January 12 of this year there appears a message from the President of the United States to the Congress in which the President proposed that \$300,000,000 be appropriated for the purchase of several types of airplanes for the Army.

The President at that time told us that this sum—

Should provide a minimum increase of 3,000 planes, but it is hoped that orders placed on such a large scale will materially reduce the unit cost and actually provide many more planes.

The President also told us:

All of the above constitutes a well-rounded program, considered by me, as Commander in Chief of the Army and Navy, and by my advisers, to be a minimum program for the necessities of defense. Every American is aware of the peaceful intentions of the Government and of the people. Every American knows that we have no thought of aggression; no desire for further territory.

But specifically, Mr. President, the Chief Executive told us that this program was a minimum program necessary for our defense.

When the matter came on for argument before this body, testimony was read into the RECORD from General Arnold, who testified that we had only 879 fighting planes in the Army at that time.

The matter was fully debated here on the floor; and the Senator from Texas [Mr. SHEPPARD], who is chairman of the Committee on Military Affairs, pointed out our woeful lack of adequate air defenses. The distinguished senior Senator from Texas told us that—

We cannot draw a line around the sea and land frontiers of continental United States and say that this alone is what we will defend. It is not so simple as that. The Panama Canal, Hawaii, Puerto Rico, and Alaska are vital links in our defense chain. These possessions are often referred to as outposts. So to designate them is to commit an error. Outposts are usually considered as warning or delaying forces to be withdrawn when they have accomplished their mission. There can be no withdrawal from Panama, Hawaii, Puerto Rico, and Alaska. To permit these strategic areas to fall into the hands of an enemy would jeopardize the security of continental United States itself.

The senior Senator from Texas also told us this on February 27:

The President in his message of January 12 stated that the amount set aside for additional planes should secure a minimum number of 3,000, but added that it is hoped that orders placed on such a large scale will materially reduce the unit cost and actually provide many more planes. He did not make the statement that 3,000 would be sufficient. When it is remembered that, whatever number is secured under the maximum of 6,000, the total fighting front-line plane strength will be under 2,500, and that not until 1941, I trust no objection will be raised to the maximum of 6,000 planes.

The senior Senator from Kentucky [Mr. BARKLEY] at that time entered the debate, and pointed out that—

Germany at the beginning of this year, for instance, had in the neighborhood of 10,000 airplanes, and that Italy had between 4,000 and 5,000, making their combined strength between 14,000 and 15,000 planes.

The Senator from Georgia [Mr. GEORGE] entered the debate, and pointed out—I read from the CONGRESSIONAL

RECORD, volume 84, page 1916., that Great Britain is capable of producing about 500 planes a month, and the Senator from Texas [Mr. SHEPPARD] answered that the same ratio of production was obtaining in France.

The Senator from Georgia thereupon asked:

And how does our own production capacity rank?

Mr. SHEPPARD. We are below those figures at present.

Mr. President, acting upon that situation the Senate and the House both voted to appropriate the sum of \$300,000,000 for airplanes to be used for our adequate defense, to be used for what the President said was our minimum of defense. With those thoughts in mind, and in view of the fact that actually there is a war in progress, and that there are those who have threatened us with possible attack, I offer this amendment, in the thought that the very least the United States ought to do is to secure to itself its own minimum necessities for defense before ever there is an airplane sent overseas.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. DANAHER. I yield to the Senator from Arizona.

Mr. HAYDEN. I remember the discussion when the appropriation was made for airplanes. The principal argument was that by appropriating a large sum of money, the capacity to produce airplanes in the United States would be increased. The effect would be exactly the same if the money were provided by England or France as though it were provided by the United States. That is to say, if there are large orders in this country for airplanes, it does not make any difference what government buys them; the capacity to produce airplanes will be increased.

The second argument was this: We were repeatedly told that it was not the desire of our authorities to have an enormous number of airplanes built on the present models; that there were continued improvements being made in airplanes, and therefore, while we wanted a substantial number, there was a positive advantage in taking into consideration the improvements as time went on.

Does not the Senator's amendment, therefore, mean that we should buy airplanes with the idea of increasing the capacity to produce them in this country, and that we should obtain the airplanes now when perhaps, if we waited a little while, we would get better airplanes, and get them for less money, because the productive capacity of the country would be increased?

Mr. McCARRAN. Mr. President, will the Senator from Connecticut yield to me?

Mr. DANAHER. Yes; I yield to the Senator from Nevada.

Mr. McCARRAN. I wish to propound a question to the able Senator from Arizona through the Senator from Connecticut.

As I understood, the Senator's expression was that at that time we sought to appropriate \$300,000,000 for the production of airplanes, regardless of who might have those airplanes; but, as a matter of fact, we appropriated the \$300,000,000 so that our air defense might be brought up to a peacetime standard. That was the assurance given to us. It was the expression of the President. It was the expression of the Appropriations Committee, of which both the able Senator from Arizona and I happen to be members.

Mr. HAYDEN. But the Senator will concede that one of the primary purposes in making the appropriation was to increase the capacity to produce planes in the United States.

Mr. McCARRAN. For the United States; not for Great Britain or France, which would be implied from a statement, as I caught it, made a moment ago by the able Senator from Arizona.

Mr. HAYDEN. No; the Senator from Arizona makes the very clear distinction, as the Senator from Nevada must and the Senator from Connecticut must, that the principal object we had in mind was ability quickly to produce airplanes. If, by appropriating a large sum of money ourselves, we could stimulate the production of airplanes, that was a highly desirable thing to do. Conditions have changed. Somebody else is willing now to pay for them.

The second point is that airplanes cannot be produced in a moment. The Senator from Connecticut said it would be 1941 before we could obtain them; and it is quite probable, with the increased capacity to produce which foreign orders are bringing us, that we can still get the number of airplanes we desire by 1941.

Mr. McCARRAN. Mr. President, may I propound another question to the able Senator from Arizona along the same line?

Mr. DANAHER. Yes; I yield.

Mr. McCARRAN. Does that mean that the \$300,000,000 which was appropriated by the Congress is to be applied now to produce airplanes for foreign countries?

Mr. HAYDEN. Why, of course not. The Senator's question answers itself.

Mr. McCARRAN. Of course, it should answer itself; but the assertion of the able Senator from Arizona refutes the answer, because he proposes to lay the foundation by which we will not produce airplanes for a peacetime basis for this country until after we have supplied foreign countries.

That was not the spirit of the appropriation. It cannot be the spirit of this country. I hope it is not the spirit of the able Senator from Arizona. It certainly never was the spirit of those who understood the proposition.

If I may go further in the time of the Senator from Connecticut—

Mr. HAYDEN. Mr. President, I do not care to impose on the Senator from Connecticut, but it is perfectly obvious that the airplane manufacturers of the United States are going to deliver the airplanes to our Government under the terms of the contracts, and therefore the amendment offered by the Senator from Connecticut is wholly unnecessary, and its only implication can be that we do not want airplanes produced for sale abroad, when it could just as well be done without injury to ourselves.

Mr. DANAHER. Mr. President, I do not wish to yield further at the moment, because I wish to let the RECORD itself answer the Senator from Arizona. All this we went into in March, every bit of it. We discussed then about the \$300,000,000 appropriation and the necessity for it, and in January the President told us that his plan contemplated an appropriation of \$10,000,000 of the \$525,000,000 which he recommended, that we might place additional orders, as he put it; that we might enable our airplane factories to produce.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. DANAHER. Not at the moment. I have so little time. I will later yield to all Senators who desire to interrupt.

At the time to which I have referred the senior Senator from Kentucky said:

As I understand, unless a great emergency should occur, it would not necessarily be desirable that they should produce all these planes at once, because if that were done, unless there should follow another program, or the necessity should arise as soon as this program was completed, all these factories would then have to close and cease operations, which would be an undesirable thing from an economic or industrial standpoint. Having in view the length of time necessary to bring about the delivery of the first planes provided for, and having in view also the economic and employment situation, it would not be desirable, even if they could all be turned out and delivered in 6 months, that that should be done.

The senior Senator from Texas [Mr. SHEPPARD] said:

That is correct. Under the plan proposed in this bill, the new planes are to be delivered over a period of 2 years in increments, and the first delivery will take place within about 6 months.

On January 12 the President of the United States told us:

Those of us who took part in the conduct of the World War will remember that in the preparation of the American armies for actual participation in battle the United States, entering the war on April 6, 1917, took no part whatsoever in any major engagement until the end of May 1918. In other words, while other armies were conducting the actual fighting, the United States had more than a year of absolute peace at home without any threat of attack on this continent, to train men, to produce raw materials, to process them into munitions and supplies, and to forge the whole into fighting forces. It is even a matter of record that as late as the autumn of 1918 American armies at the front used almost exclusively French or British artillery and aircraft.

Mr. President, if in March of this year British and French airplane factories were equipped to turn out 500 planes a month in each of those countries, and if at that time our plants were equipped to produce less than that, and if the first planes under the \$300,000,000 appropriation were to be delivered in 6 months, we apparently have not even yet received our own planes from our own factories, and it would seem to me that, to bring this amendment to bear, I should call attention to the fact that under the pending joint resolution, on page 28, it definitely appears that no license may be issued by the Munitions Board for the export of munitions and implements of war, including aircraft, and that it shall be unlawful to export without that license except under certain conditions.

I, therefore, merely ask the Senate, and I ask the Congress of the United States, to take the position that for once at least during the progress of this debate we will regard the exigencies of the United States. I, therefore, say that the very least we ought to do is to build up our own aircraft strength, our own fighting defense requirements, to the minimum the President told us he wanted the \$300,000,000 for; and that is what we gave him.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. HILL. Can the Senator enlighten the Senate as to whether or not at this time the production of any airplanes by American manufacturers or the sale of any airplanes by American manufacturers to any foreign country is in any way interfering with the Government of the United States carrying forward the program relating to aircraft for which the Congress appropriated the money for our Army and Navy?

Mr. DANAHER. Answering the question of the Senator from Alabama, let me point out that the Senator from Arizona wants to let the foreign countries spend their money in developing American airplanes.

Mr. HILL. I can say to the Senator that I consulted the Chief of the Air Corps, Gen. H. H. Arnold, just a few days ago about this very matter, and he told me that our program for the acquisition of aircraft for the Army and the Navy was going forward 100 percent; that we were getting all of our planes on time; that we were carrying out the program exactly as the Congress authorized it and appropriated for it.

Mr. DANAHER. How much is 100 percent; how many a month?

Mr. HILL. We are getting that number each month the Air Corps said we needed, and for which the Congress appropriated in carrying out the program.

Mr. DANAHER. How many is that? Can the Senator tell the Senate?

Mr. HILL. I cannot tell the Senator in numbers whether it is 50, 60, or 75, or what the number may be, but I can tell him that the Chief of the Air Corps, the officer of the Army above all others responsible for our Air Corps program, assured me that we are going forward 100 percent with our program; that we are getting planes just as rapidly as the Army needs them, and as the Congress has appropriated for them.

Mr. DANAHER. Mr. President, the Senator recognizes, does he not, that such a program is necessary?

Mr. HILL. Oh, surely, it is necessary. I voted for the program, and supported it, and I am delighted that the program is going forward just as we intended that it should.

Mr. DANAHER. Mr. President, the program was developed at a time when the war in Europe had not broken out, and it was then stated to us—and I read it from the RECORD—that we were not to get the first planes under it until 6 months from last March. In March we were told that the first planes under the program would be delivered in 6 months, but the factories could not produce the minimum of 3,000 required earlier than 1941. If we needed those planes then, and we voted for the program on the ground that we needed them, with a war in the immediate offing, with a possible threat and danger of attack upon us, with the British Navy our defense overseas, and some Senators saying that they want to vote for the joint resolution now pending be-

cause they want to vote for a national defense program 3,000 miles away, the least we can do, it seems to me, is to vote to protect the United States, and to see that our plane requirements are brought up to an immediate minimum of required strength, before we ever let a combat plane leave our shores.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. Does not the Senator know that under the program authorized by Congress bids have been advertised for and contracts have been awarded for the construction and delivery of airplanes to the Army and Navy, and that those contracts must be carried out according to their terms?

Mr. DANAHER. Mr. President, I will ask the Senator from Kentucky whether every contract with a foreign government does not carry in it a clause providing that, in the event the exigencies of the United States shall require, planes shall first be delivered to the United States?

Mr. BARKLEY. Yes; but I think the War Department and the Navy Department are sufficiently alert to look after the interests of the United States under the contracts without having Congress say that before anyone across the seas can get a plane we have to offer 3,000 planes to the War Department or the Navy Department, whether they are in position to use them or take them or not.

Mr. DANAHER. Does the Senator imply that we do not need the 3,000 planes?

Mr. BARKLEY. I am willing to risk the judgment of the War Department and the Navy Department on the subject, and I do not express my own opinion as against theirs.

Mr. DANAHER. I was thinking of what the Senator told us last March, when he asked us to vote for the bill. At that time the Senator from Kentucky urged that we adopt a \$300,000,000 appropriation to provide 3,000 planes required as a minimum for our defense; and the President told us that if we placed so large an order as 3,000 planes he hoped it would reduce the unit cost, and that we would actually get more planes for our money than the 6,000 he anticipated. Does the Senator remember that?

Mr. BARKLEY. I remember it exactly, and of course it was to be carried out under a program provided under the supervision of the War Department and the Navy Department. These planes were not all to be furnished at one time. If they were, they might become obsolete before the program was carried out. They are to be furnished under the program provided by the Departments, which is in process of being executed, and in no way does the sale of planes for which any foreign government has already contracted interfere with the delivery of these planes according to contract entered into by the two Departments.

Mr. DANAHER. Let me ask the Senator from Kentucky. Does he know of any reason why we should not take care of American plane requirements before we send even one plane overseas?

Mr. BARKLEY. No; and I know of no reason why we are not doing it now, and will continue to do it, without the amendment of the Senator from Connecticut.

Mr. DANAHER. For the reason that under our present appropriation of \$300,000,000 the production of planes is going forward and, on the word of the Senator from Alabama, it is going forward 100 percent according to schedule, but we do not know whether that is 10 a month or 50 a month, and he cannot tell us.

Mr. BARKLEY. Whatever it is, it is according to contracts already entered into.

Mr. DANAHER. We can enter into more contracts if we need them.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. HILL. The program is going forward just as fast as the money Congress appropriated will permit it to go forward; it is going forward just as fast as the Congress intended it should. The trouble with the Senator from Connecticut is that, although he is for this program, he really does not understand the basic philosophy of the program. The basic philosophy of the program was not that we should proceed to manufacture a large number of planes and pile

them up and pile them up and pile them up, and then have a great number of obsolete planes on our hands, planes which a year or 2 or 3 years from now might be obsolete and no good. The idea was to build up capacity production in this country, so that if we should confront an emergency and should need planes, they could be produced without a great deal of delay.

Mr. DANAHER. Mr. President, let me ask the Senator from Alabama if he still believes he can tell me how much a month is being expended of the \$300,000,000 Congress has already appropriated for this purpose.

Mr. HILL. It is being spent just as rapidly as is necessary to carry forward the program which Congress intended and provided for.

Mr. DANAHER. Mr. President, let me point out that the Senator from Alabama simply does not know how much is being spent, or how many planes are being produced, and knows nothing about the state of our program except that it is in 100-percent condition at this minute. Yet the very aircraft factories which would normally be producing planes are now under contract to produce for nations overseas. Over 300 bombers and other combat planes are awaiting transshipment this morning, and the newspapers yesterday told of the 400 Lockheed bombers which had been flown across the continent and were at Floyd Bennett Air Field, ready to be shipped abroad. What is the state of these contracts? Why can we not know whether the defense of the United States is technically being taken care of? How much are we spending a month? How many planes are we getting a month? One hundred percent, according to the statements of some. Yet we do not know whether our national program is being impaired or not.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. DANAHER. Happily.

Mr. SCHWELLENBACH. The Senator has asked a great many questions about the matter. I should like to inquire if the Senator has gone to the telephone and called up the War Department and the Navy Department to ascertain the facts for himself. He is the one who offered the amendment. What are the facts? Has the Senator telephoned the War Department or the Navy Department?

Mr. DANAHER. Mr. President, the Senator from Kentucky says he wants to leave all these matters to the War Department and the Navy Department, and if, in his judgment, the War Department and Navy Department are doing the job, there is no reason why I should call up those Departments. It seems to me the place for me to make the inquiry is in the Senate of the United States.

Mr. SCHWELLENBACH. Will the Senator again yield?

Mr. DANAHER. I yield.

Mr. SCHWELLENBACH. Has the Senator called the War Department and the Navy Department?

Mr. DANAHER. No; I have not called the War and Navy Departments.

Mr. SCHWELLENBACH. The Senator has known for some time he was going to present this argument. I hope he has not presented it on the spur of the moment. Does not the Senator think that before he came upon the floor of the Senate and accused the Army and Navy Departments of being neglectful of the needs of national defense in this country, he should, at least, have taken the telephone and tried to find out what are the facts? It is not hard to telephone.

Mr. DANAHER. If we have a War Department and a Navy Department whose officials will tell the possessor of an unknown voice at the other end of the wire, over the telephone, how much money we are spending and how many planes we are building, we ought to look into that matter. [Laughter.]

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. TYDINGS. In order to relieve the tension and bring out the correct answer as to how much money is being spent to carry out this program, I may say to the Senator from Connecticut that the program is going forward 100 percent, and will continue until the deficit is exhausted. [Laughter.]

Mr. MINTON. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. MINTON. In all seriousness, I wish to say to the Senator that I did take the trouble to call up General Arnold. I do not know whether or not General Arnold recognized my voice—probably he did—but he did confide in me that the program of the Government of the United States for the procurement of airplanes is right up to the minute, and it is not being postponed at all by any orders from any foreign countries or for any other reason. It is right on schedule. I am sure the Senator from Connecticut will accept the statement of General Arnold, who is the head of the aviation branch of the Army. I am sure the Senator would like to have the facts, because he asked for them; and those are the facts, as I myself obtained the information from the War Department.

Mr. DANAHER. Mr. President, not only am I glad to have the facts, and not only do I thank the Senator from Indiana for supplying that thought, but I now know from what the Senator from Alabama has told me that the plan is going forward 100 percent, and I do not have any doubt about that. [Laughter.]

Mr. President, I say, however, that the President of the United States told us what our minimum requirements are. He told us what we needed for defense. The Senator from Texas [Mr. SHEPPARD], the chairman of our Military Affairs Committee, told us that he wanted a minimum of 3,000 planes for defense. He told us, and the Senator from Kentucky endorsed his proposal, that we should appropriate \$300,000,000 for the purpose, and we did so. Whether or not the program is complete to date, whether it is being carried through on time or not, the fact remains that it was not to be in full operation until 1941. This year is 1939. I shall reread my proposed amendment, Mr. President, in order to accentuate in the minds of Senators exactly what is involved. It is not much. It is just the welfare of the United States in which I am interested. My amendment provides:

*Provided, That no license shall be issued by said Board for the export of aircraft of any type, whether assembled or unassembled, * * * until there shall have been delivered to the Army and Navy of the United States at least 3,000 completely equipped military and naval aircraft—*

That is the number the President asked for, Senators will see—

or such larger number as shall be certified by the General Staff to be necessary for the defense of the United States.

The reason why I took the 3,000 figure was that the President said:

All of the above constitutes a well-rounded program considered by me as Commander in Chief of the Army and Navy and by my advisers to be a minimum program for the necessities of defense.

Naturally we want to have at least a minimum program, do we not? And by the amendment we say that if the General Staff certifies that we need a larger number, then we shall not issue licenses to export aircraft until that larger number necessary for our defense shall have been provided for our Army. It seems to me to be a perfectly reasonable and proper requirement.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. NORRIS. It is not intended, as I understand, that that program will be completed until 1942?

Mr. DANAHER. Nineteen hundred and forty-one.

Mr. NORRIS. Yes; 1941. If the Senator's amendment is agreed to, as I understand its language, it will not be possible for any planes or parts of planes to be shipped to any foreign country until 1941?

Mr. DANAHER. Oh, no, Mr. President.

Mr. NORRIS. Then I misapprehend its provisions.

Mr. DANAHER. I am very glad the Senator brought up that question, because I know I can answer it. If the Senator from Texas was correct in anticipating that we need to have a minimum of 3,000 planes, let us say, available by the end of the current fiscal year, then by the end of the current fiscal year we should have our minimum of 3,000 planes.

Mr. NORRIS. I do not understand that to be a fact; that may be true; I do not claim to be an expert on the subject.

But our intention was that the airplanes for which we appropriated \$300,000,000 should not all be delivered at once, at least that was my understanding of the matter, and that they would not all be delivered until 1941. Assuming that to be true, does it not follow that under the Senator's amendment no airplanes or parts of airplanes could be shipped from the United States to any foreign government until 1941?

Mr. DANAHER. No. Let me say to the Senator, in the first place, the program contemplated 6,000 planes, the six thousandth plane to be delivered in June 1941. That is the first point. But, coming back to the question from another standpoint, if we need 3,000 planes for our defense—and the President certainly told us we did, and that is the basis upon which we acted—then all I say is, "Get the 3,000 planes." I do not care when they are obtained, whether it is this month or next month or January—perhaps we will have them by January, for the Senator from Texas told us that when this industry got into production it could produce about a thousand planes a month. So if we reach our minimum necessities next January, then the licenses may be issued.

Does that make it clear to the Senator?

Mr. NORRIS. No. It may be due to my ignorance that I do not understand the Senator. It seems to me perfectly clear that if our program is carried on and completed in 1941 we will not be able to ship a single airplane or part of an airplane until that completion takes place. It seems to me that follows naturally under the terms of the Senator's amendment.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. The program provided for 6,000 planes, and the delivery to be completed by June or July 1941, so that the production and delivery of the entire 6,000 was to be staggered over the period beginning approximately July 1, 1939. Therefore, if the entire 6,000 cannot be delivered until June or July 1941, it is hardly probable that half of them, 3,000, could be delivered before June or July 1940. Those planes can be produced more rapidly per month toward the end of the period than they can at the beginning, because the factories must be geared up for the larger production. So under the Senator's amendment no foreign plane or part of a foreign plane could be sold or shipped until the first 3,000 of the 6,000 planes had been delivered to the United States. That is true, is it not?

Mr. DANAHER. That is correct.

Mr. BARKLEY. So it might involve the impossibility of shipping any plane to a foreign country until June or July of 1940, or even January of 1941, because we cannot tell what proportion of the 6,000 planes will be produced prior to next July and what proportion will be produced after that time. At any rate, the first 3,000 planes would have to be delivered to the United States—and they can be delivered only according to the contracts already entered into—before we could ship any planes to any foreign country.

Mr. DANAHER. Mr. President, the answer that they could be delivered only in accordance with the contracts already entered into simply begs the whole question. There is no reason why we should not make additional contracts. Whatever is required for our minimum defense ought to be done. That is the situation which confronts us, Mr. President.

So far as productivity is concerned, the moment the plants are equipped with their jigs, tools, and dies to produce even one plane, they can go forward and turn them out as rapidly as occasion may require.

The Senator from Texas [Mr. SHEPPARD] told us:

If all the factories in the United States were producing at utmost capacity, we could turn out something like a thousand planes a month; but they are not working at capacity. Numbers of them are without much to do at present.

Mr. GEORGE. We have a potential power to produce, then, of approximately a thousand planes per month?

Mr. SHEPPARD. That is true.

The administration went forward with the program in order to give the factories a chance to get into production, to learn how to produce, to learn how to make planes according to our Government specifications; and I submit that the program ought to be undertaken with the utmost dispatch. General

Arnold told us in March that we had only 879 fighting planes, at a time when the Senator from Kentucky told us that Germany and Italy together had 15,000 planes. It seems to me that before we send any planes overseas we had better look out for the United States.

Mr. President, the amendment is pertinent. It follows identically the recommendations of the President and the recommendations of the chairman of the Committee on Military Affairs.

I hope the amendment may be agreed to.

SEVERAL SENATORS. Vote! Vote!

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. AUSTIN. Mr. President, will the Senator withhold his suggestion of the absence of a quorum?

Mr. CLARK of Missouri. I withdraw the suggestion.

Mr. AUSTIN. Mr. President, I shall not detain the Senate long.

I wish to observe that there is no cause for this excitement. The members of the Military Affairs Committee of the Senate, admitting and recognizing that they had no special knowledge or skill with respect to the national defense as our aeronautics affected it, called in experts, and, of course, acted upon the testimony of those experts. They made no individual claims of knowledge of what was necessary or what ought to be done. They accepted the undisputed evidence that what we needed immediately was progress in the development of airplanes, and that if in 2 years we produced a certain number of airplanes, having the advantage during that time of the special skill and knowledge which would come to us from all parts of the world, and having the advantage also of the development of the capacity to produce, thereby we should be acting in the national defense.

Thereupon the question arose which seems to be the basis of this excitement: Would this course interfere with the procurement of planes for our own defense, if we needed such planes?

I do not make the answer. I read from the testimony of probably the best expert in the country, as found on page 101 of the testimony in the hearings on this matter:

Senator NYE. Is this building program contemplated by the United States military to slow up the delivery of orders that France and England have pending in this country?

General ARNOLD. The orders that France and England have pending in this country now were made with the understanding that they would not slow up our production. So if we go into this increased production we would just quite naturally slow up their deliveries.

Senator NYE. If we do go into it, it will have a tendency to slow up their production?

General ARNOLD. Yes, sir.

Senator HILL. You say that after the third year under this program we can have a production in this country of 10,000 or 12,000 planes a year?

General ARNOLD. Yes, if we go full speed ahead. We could not do it under existing law, because it requires, and quite wisely so, that we have competitive bidding. That is the reason why we have empty factories today, because the engineers of certain companies produce better designs than others. But if, in order to spread the load so as to get maximum production, the third year would give production of approximately 12,000 planes, maybe 14,000.

Mr. President, in further reference to the matter of interference with our own program, I read from page 99 of the hearings:

Senator CLARK of Missouri. Did you not say yesterday, General, that this plane that crashed out at Los Angeles just 2 or 3 days ago, which was a plane intended, apparently, to be entered in the War Department competition, could have been sold that very day to the French Government or any other government?

General ARNOLD. Yes, sir; it could have.

Senator CLARK of Missouri. Therefore, unless we write some provision into the law with regard to priorities, we have no assurance on earth that—of course, as long as there is the gentlemen's agreement in existence that would require the consent of the Secretary of State and the Secretary of War—but Congress, which appropriates the money and is supposed to make the law, has no assurance that these planes, which may be the last word in airplane construction in the whole world, and which are in preparation for the United States Army, may not be sold to somebody else at the last minute. Is not that true?

General ARNOLD. We could always stop them.

Senator CLARK of Missouri. How?

General ARNOLD. By refusing them permission to export them.

Mr. President, let me call attention to the fact that the provision we are asked to amend is not new in principle. The provision which we are asked to amend requires a license to export airplanes. That principle has been in the law since the Espionage Act of 1917. We have operated under that act, and, so far as we could ascertain in examining the witnesses, airplanes were not exported to any country without a license.

Much of the excitement which caused considerable publicity arose over the conference between the Secretary of State, the Secretary of the Navy, the Secretary of War, and the Secretary of the Treasury, which is required under the Espionage Act of 1917 before the Secretary of State may issue a license for the exportation of arms, ammunition, and equipment.

Mr. CLARK of Missouri. Mr. President, will the Senator permit an interruption?

Mr. AUSTIN. I yield.

Mr. CLARK of Missouri. I do not wish to interrupt the Senator's trend of thought; but let me say to the Senator from Vermont that the controversy last winter about the so-called French plane shipments came about not by reason of any conference between the Secretary of State, the Secretary of War, and the Secretary of the Navy. It came about by reason of the very abnormal circumstances testified to before the Military Affairs Committee, as I am certain the Senator from Vermont will recall, in which the American Ambassador to France, Mr. Bill Bullitt, sent a French mission, not to the Department of State, not to the War Department, not to the Navy Department, but to the Treasury Department; and thereupon the Treasury Department proceeded to put the French mission in communication with American airplane manufacturers with a view to purchasing American planes, and permitted the inspection of planes which had never even been flown, but were intended to be entered in the American Army competition. The whole procedure was so abnormal that it aroused the immediate interest of everyone who became familiar with the facts.

I am certain the Senator from Vermont will recall the fact that when I asked General Arnold, on the basis of a story published by the Associated Press and printed in the Washington Star of that afternoon, what the French observer was doing in a plane which was to be entered in American competition—supposedly a very secret plane—he said we would have to ask the Treasury Department about it.

Mr. AUSTIN. Mr. President, the way in which the Senator from Missouri interprets the events of those days and the way in which I interpret them are of little importance in connection with the pending amendment. I do not care to detain the Senate to debate that side of the issue. Of course, I cannot pass it without saying that I do not understand it the same way as does the Senator; but I have a recollection of an exchange of notes between the different Departments, including the Chief Executive himself, which finally expressed the concurrence of all of them in granting a license to export planes to France.

Mr. President, to return to the point in question, that point is merely this: It is charged, for some reason—and I have no doubt of the good faith of the distinguished Senator from Connecticut [Mr. DANAHY] in making the charge—that perhaps it would be un-American and not fully loyal to this country if we should adopt the amendment as it stands, without his amendment. I cannot quite agree with that contention. As a matter of fact, I contend that his amendment would not be in the interest of the national defense of America, for, basing my judgment on the evidence of experts and not asserting it out of my own mind, basing it on the evidence I have read a further brief extract which I will read to the Senate, it is clear to me that it is in the interest of security of the United States to carry out the President's program for the production of airplanes on a flexible basis, extending through a period of 2 years, with the right to sell planes to France, and England or any other country, subject to the license which must be first had from the various

Departments. That is what this amendment proposes, nothing more and nothing less. Let me read it:

(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war listed in a proclamation issued under the authority of subsection (1) of this section, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war listed in any such proclamation, without first having submitted to the Board the name of the purchaser and the terms of sale and having obtained a license therefor.

That will provide for adapting sales to foreign countries to our own national defense.

Mr. NORRIS. Mr. President—

Mr. AUSTIN. I yield to the Senator from Nebraska.

Mr. NORRIS. I rose to ask a question of the Senator, because I think that there might be a misapprehension as to just what he meant. He said, to begin with, "that is what this amendment proposes," and then he proceeded to read it. The ordinary listener might get the idea that the Senator was referring to the amendment proposed by the Senator from Connecticut, which I understand is not his idea at all. The Senator meant the amendment in the joint resolution.

Mr. AUSTIN. I am grateful to the Senator from Nebraska for his suggestion. I will make it clear at once that I was referring to what was before us in the joint resolution as reported by the committee, offered as an amendment to the House joint resolution.

Mr. NORRIS. That is correct.

Mr. AUSTIN. I was not referring to what was offered by the Senator from Connecticut.

Mr. NORRIS. The amendment of the Senator from Connecticut seeks to amend the language the Senator has read.

Mr. AUSTIN. I thank the Senator from Nebraska. That is exactly so. It seeks to amend by having us decide right now that it is in the interest of the national defense to stop expansion, to stop manufacture for other nations, and to go to work on nothing but a limited number of planes for the United States.

Mr. President, we are not particularly interested in the precise planes manufactured today. They will be obsolete so soon that if we should provide our national-defense forces with a great number of planes made immediately we would soon have planes which would be inferior to those of other countries that extend their program, that develop the power and the capacity and the skill of airplane manufacture and thus keep up with the march of progress.

I am going to conclude with just a few words on the question of America's capacity to produce, as it was at the time the testimony was given, and I shall read from the testimony of experts. We know nothing of our own right about this matter, and so it seems to me the experts should guide us. I read from page 98, as follows:

Senator NYE. Now, then, what of America's capacity to produce the planes that would be required under this program?

General ARNOLD. The last airplane should be produced before the end of the second year.

Senator NYE. How much increase is private industry going to have to afford in its capacity to do that?

General ARNOLD. No increase at all in facilities. An increase in personnel only. At the present time most of our factories are operating with one shift. In two instances, I think, they may have two shifts or a shift and a half. But we also have about five factories that are not engaged in producing any Government work at this time. One of the largest is practically shut down. That is Consolidated. In addition to that, the Northrup plant is practically shut down. Vought, Sikorsky, Seversky have no Government work in them at all to speak of. Martin is producing nothing right at this time for the Army. It is, however, producing quite a few airplanes for foreign countries. So by using all those facilities we should have no trouble at all in producing this number of airplanes.

Mr. President, I am opposed to the amendment offered by the Senator from Connecticut.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the amendment reported by the committee.

Mr. LODGE. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I transfer that pair to the junior Senator from Oregon [Mr. HOLMAN], and will vote. I vote "yea."

The roll call was concluded.

Mr. McNARY. I announce that my colleague the junior Senator from Oregon [Mr. HOLMAN] and the Senator from Kansas [Mr. REED] are necessarily absent from the Senate.

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS] is detained from the Senate because of illness. I am advised that if present and voting, he would vote "nay."

The Senator from Washington [Mr. BONE] is also detained because of illness.

The Senator from Arizona [Mr. ASHURST] is absent because of illness in his family.

The Senator from California [Mr. DOWNEY] and the Senator from Missouri [Mr. TRUMAN] have been called to Government departments on matters pertaining to their respective States.

The Senator from Montana [Mr. WHEELER] is unavoidably detained. I am advised that if present and voting, he would vote "yea."

The result was announced—yeas 24, nays 62, as follows:

YEAS—24			
Borah	Davis	Lodge	Reynolds
Capper	Donahey	Lundeen	Shipstead
Chavez	Frazier	McCarran	Townsend
Clark, Idaho	Holt	McNary	Vandenberg
Clark, Mo.	Johnson, Calif.	Nye	Walsh
Danaheer	La Follette	Overton	Wiley
NAYS—62			
Adams	Ellender	King	Schwartz
Andrews	George	Lee	Schwellenbach
Austin	Gerry	Lucas	Sheppard
Bailey	Gibson	McKellar	Slatery
Bankhead	Gillette	Maloney	Smathers
Barbour	Green	Mead	Smith
Barkley	Guffey	Miller	Stewart
Bilbo	Gurney	Minton	Taft
Bridges	Hale	Murray	Thomas, Okla.
Brown	Harrison	Neely	Thomas, Utah
Burke	Hatch	Norris	Tydings
Byrd	Hayden	O'Mahoney	Van Nuys
Byrnes	Herring	Pepper	Wagner
Caraway	Hill	Pittman	White
Chandler	Hughes	Radcliffe	
Connally	Johnson, Colo.	Russell	
NOT VOTING—10			
Ashurst	Downey	Reed	Wheeler
Bone	Glass	Tobey	
Bulow	Holman	Truman	

So Mr. DANAHER's amendment to the amendment reported by the committee was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee, in the nature of a substitute.

Mr. CLARK of Missouri. Mr. President, I now ask that the amendment which I temporarily withdrew earlier in the day be laid before the Senate.

The VICE PRESIDENT. The amendment offered by the Senator from Missouri will be stated.

The CHIEF CLERK. On page 26, line 18, it is proposed to strike out the word "and" and to insert after the word "Commerce" in such line a comma and the following:

two Members of the Senate, to be appointed by the President of the Senate, and two Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. A congressional vacancy in the membership of the Board shall be filled in the same manner as the original selection.

Mr. CLARK of Missouri. Mr. President, I think it will be advisable for me to read the section of the proposed committee substitute.

Section 12 of the proposed committee or caucus substitute provides as follows:

NATIONAL MUNITIONS CONTROL BOARD

SEC. 12. (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the "Board"). The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce.

My amendment would provide for inserting, immediately after the designation of the Secretary of Commerce, two Senators as members of the Board, to be appointed by the Presiding Officer of this body, the honored Vice President of the United States, and two Members of the House of Representatives, to be appointed by the designated spokesman for that body, the Presiding Officer, the distinguished Speaker of the House.

Except as otherwise provided in this section, or by other law, the administration of this section is vested in the Secretary of State.

No such provision would be changed by the amendment I have sent forward.

The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

(b) Every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war listed in a proclamation issued under the authority of subsection (i) of this section, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for 5 years, which shall be renewable for further periods of 5 years upon the payment for each renewal of a fee of \$100.

(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war listed in a proclamation issued under the authority of subsection (i) of this section, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war listed in any such proclamation, without first having submitted to the Board the name of the purchaser and the terms of sale and having obtained a license therefor.

(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

(f) Licenses shall be issued by the Secretary of State to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution.

(h) The Board shall make a report to Congress on January 1 and July 1 of each year, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war, including the name of the purchaser and the terms of sale made under such license. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and full information concerning the licenses issued hereunder, including the name of the purchaser and the terms of sale made under such license.

Subsection (i) is the one to which reference has been made in several previous subsections of this section:

(i) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

Mr. President, I have taken the trouble to read that whole section for the purpose of demonstrating the fact that the National Munitions Board set up under this measure, which is simply a repetition of the existing law, is not an arm of the executive branch of the Government. It is simply an

advisory body, as is completely shown by the language of subsection (i), which, as I understand, is a repetition of the existing law, where it says:

The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

In other words, the National Munitions Board, composed of a group of Cabinet officers, is not an arm of the executive branch of the Government. It is an advisory body, upon whom no executive function of the Government rests, but upon whose advice the President of the United States is authorized to perform certain executive acts.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. BARKLEY. The Senator from Missouri is, as a matter of principle, a great stickler for the separation of the three branches of the Government.

Mr. CLARK of Missouri. There is no question about that.

Mr. BARKLEY. And I pay tribute to his sincerity in that regard, that the three branches—legislative, executive, and judicial—should be kept separate, which, of course, involves opposition to the executive impinging upon the rights and prerogatives of the legislative and the judicial, and vice versa.

Mr. CLARK of Missouri. If the Senator will permit me, I do not think he will find any example whatever of my having departed from that principle since my service in this body began.

Mr. BARKLEY. How does the Senator reconcile that position, which he has always maintained, with his proposal now to have four Members of Congress appointed on an executive board in an executive department of the Government to participate in the execution of a law enacted by Congress?

Mr. CLARK of Missouri. Mr. President, that is exactly what I was trying to explain when the Senator from Kentucky rose. I insist that the language of subsection (i) of section 12 completely discloses the fact that the National Munitions Board is not an arm of the executive branch of the Government—that it is simply an advisory body. I insist that when it comes to furnishing information on questions which may lead us into a state of war, the Congress of the United States should have representatives on the advisory body.

Mr. BARKLEY. Will the Senator yield further?

Mr. CLARK of Missouri. I am glad to yield.

Mr. BARKLEY. We advise the executive departments when we pass a law. We tell them what we want the law to be, and usually set out in some respects the metes and bounds by which it may be executed or enforced. But obviously this board is an executive board.

Mr. CLARK of Missouri. Mr. President, I differ entirely with the Senator.

Mr. BARKLEY. It may be an agent of Congress, but so is the Interstate Commerce Commission, so is the Federal Trade Commission, so is the Communications Commission, so is the Maritime Commission. Would it be any more logical to put four Members of Congress on this board than it would be to put four or any other number of Members of Congress on any of these other agencies which have been set up by Congress to execute laws which have been enacted by Congress?

Mr. CLARK of Missouri. Mr. President, the National Munitions Board has no executive functions whatever. It is purely an advisory body, created to advise the President.

Mr. BARKLEY. That of itself is an executive function.

Mr. CLARK of Missouri. It is not an executive function unless Congress has set it up.

Mr. BARKLEY. It has set it up.

Mr. CLARK of Missouri. It is a legislative function primarily.

Mr. BARKLEY. It has set it up in the State Department. While it is composed of others than the Secretary of State, it has its offices in the State Department.

Mr. CLARK of Missouri. Let me read again subsection (i).

Mr. BARKLEY. I know about that.

Mr. CLARK of Missouri. It reads:

The President is hereby authorized—

That is an executive function—

The President is hereby authorized to proclaim, upon recommendation of the Board, from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

Why should not Congress have the right to have a voice in recommendations to the President?

Mr. BARKLEY. Of course, if Congress wanted to have a voice in determining what is to be set out in categories of arms, ammunition, and implements of war, Congress could by act itself prescribe those things and relieve the President or any board of the responsibility. But this board does other things besides advise the President under subsection (i). It has many functions which are not included in subsection (i).

Mr. CLARK of Missouri. I think the Senator will have a very difficult time in pointing out functions of the National Munitions Board which are not advisory rather than executive.

Mr. BARKLEY. The Munitions Board keeps records with respect to these various things. That is not an advisory function.

Mr. CLARK of Missouri. Many advisory boards keep records.

Mr. BARKLEY. Yes. Of course, the Secretary of State issues licenses based upon the records kept by the Munitions Board and reports made to him by it, and so forth. All of those are executive functions; they are not legislative. I do not wish to take the Senator's time, but it seems to me that to have four or any other number of Members of Congress, who are legislators, who are passing laws and giving instructions to the departments and to this very Board, sit in in the execution of laws of their own making is no more justifiable in connection with this Board than in connection with any other board Congress has set up.

Mr. CLARK of Missouri. When the Senator comes down to that point, let me say that I think it would be an excellent thing if there were representatives of Congress on every board which has been set up, to see that the will of Congress was carried out. I have no confidence in the devotion of the Executive, any executive, not the present one, to principles adopted by Congress in laws.

Mr. BARKLEY. If that is true—

Mr. CLARK of Missouri. Let me finish this thought, and then I shall be glad to yield to the Senator from Kentucky. We all know of repeated instances in which Congress has passed laws which have been deliberately flouted, wherever they could be, by the representatives of the executive department. I remember the controversy between the Senator from Nevada [Mr. PITTMAN] and the Interior Department, a controversy the account of which I read in full, and from which I was completely convinced that the Interior Department had deliberately flouted the law. I think Congress, on a matter of the importance of that now before us, at least ought to have representatives on such a body as the National Munitions Board, a body which might exercise control of the question as to whether we would sooner or later get into a war. Now I gladly yield to the Senator.

Mr. BARKLEY. If the Senator has no confidence in the executive departments, as he has said—and that is wholly impersonal, as he says, and I am sure he means that—to carry out the laws passed by Congress, then the logical conclusion would be to abolish all executive departments, and set up committees of Congress to execute and enforce the laws passed by Congress.

Mr. CLARK of Missouri. That does not by any means follow, but I think it certainly would be an excellent thing to have a check, in a matter of this vast importance, through the Congress itself, to see whether the intent and the avowed purpose of its act is being carried out.

Mr. HAYDEN. Mr. President, will the Senator from Missouri yield?

Mr. CLARK of Missouri. I yield.

Mr. HAYDEN. As I have understood the Senator, he has stated that this is merely an advisory board and not an executive agency.

Mr. CLARK of Missouri. I think that is entirely correct.

Mr. HAYDEN. If it is merely advisory, the executive power must be in the Secretary of State. It would follow from that statement that the Secretary of State could disregard the advice if he chose to do so.

Mr. CLARK of Missouri. No, Mr. President; I think the Senator from Arizona misunderstood what I said. The whole Munitions Board, including the Secretary of State, is an advisory body to the President of the United States. It is entirely possible that, even if we had representatives of the Senate and the House on the National Munitions Board, or whether we had or not, the President might disregard the recommendations of the National Munitions Board; but certainly we would be in better position if we had representatives of the Senate of the United States and the House of Representatives on that Board, who could be called up for inquiry on the floor of this body or of the House of Representatives, than we are without such provision.

For instance, if the Senator from Arizona were a member of the Munitions Board and any action were taken by the Munitions Board which might seem to any Member of this body to be contrary to the policy of Congress as enunciated in the law, any Senator would have a right to rise in his place and ask the Senator from Arizona as to the theory upon which the Munitions Board had taken certain action. Without that we are entirely helpless, and actions of an advisory nature, which will be carried out by the President, we will say, may be taken, actions of most momentous consequence, about which the Senate and the House are entirely helpless when it comes to securing information.

Mr. ADAMS. Mr. President, will the Senator from Missouri yield?

Mr. CLARK of Missouri. I yield.

Mr. ADAMS. It occurs to me that if we are being so scrupulous in reference to the confusion of the three Departments of the Government, there is another section of the paragraph which provides that the Secretary of State may provide rules and regulations for carrying it out, and a violation of the rules and regulations is made a felony. In other words, that is a delegation of a legislative power to the Secretary of State.

Mr. CLARK of Missouri. I agree with the Senator from Colorado, but under the rules of the Senate I can offer only one amendment and have it pending at one time. If the Senator from Colorado will offer an amendment to strike out that provision, I shall be very happy indeed to support it.

Mr. President, I do not wish to detain the Senate unnecessarily about this matter. I took the trouble to read the section in full so that we could see exactly the power that is being granted and the application of my proposal to add two members, which would be a minority of the National Munitions Board—two Members of the United States Senate, to be appointed by the presiding officer of this body, and two Members of the House of Representatives, to be appointed by the presiding officer of that body—because I think we are granting and have already granted tremendous power to this Board, and Congress should retain some measure of control of the supplying of information, if not all.

I submit the amendment without any further discussion or debate, because I think it is a proposal which every Member of the Senate or the House of Representatives, sworn on his oath to represent the people of the United States, should consider.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. HATCH. There is one point which I understand arose when the measure was considered, perhaps in 1935, and that is that membership by Senators or Members of the House on a board of this nature might be in conflict with the Constitution. I should like to have the Senator from Missouri elucidate that point, because I tell him frankly I am in sympathy with what he proposes.

Mr. CLARK of Missouri. Of course, Mr. President, I have had that proposition in mind, which was the reason for the discussion in which I have recently engaged. There is no question that under the Constitution of the United States the Congress has no right to exercise an executive function.

Mr. HATCH. I have been off the floor for a time, so did not hear all the Senator's statement.

Mr. CLARK of Missouri. I am glad to recur to it. Under the plan proposed in the pending measure and the proposed amendment to it, the function of the Board will be advisory. In other words all action must be taken in the name of the President of the United States. The Board is an advisory board to the President of the United States. There is no question on earth that the President has the right to approve or disapprove the findings of the Board. The President has complete control of it. The theory of my amendment simply is that there should be some avenue by which the Congress of the United States, humble as it may be, by which the Senate of the United States and the House of Representatives may have representatives on the Board who can answer questions as to what a body which may at times be the most important body in the country is doing at any given time.

Mr. HATCH. It is the interpretation of the Senator from Missouri that no executive power is vested in the Board itself. Is that correct?

Mr. CLARK of Missouri. That is entirely my understanding.

Mr. THOMAS of Utah. Mr. President, I shall support the amendment, and I am personally very happy that the Senator from Missouri offered it.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. CLARK of Missouri. I should have said in my previous statement that the ablest argument that has ever been made, in my opinion, for the principle of this amendment was made by the Senator from Utah when the bill was previously before the Senate. I meant to say that.

Mr. THOMAS of Utah. When this measure came before the Senate of the United States in 1935, when the National Munitions Board was set up, the Senate adopted an amendment, after the Senate Foreign Relations Committee had accepted it, requiring the Board to have among its members the chairman of the Foreign Relations Committee of the Senate and the chairman of the Foreign Affairs Committee in the House. The Board was set up primarily for the purpose of gathering information. The intention was that from time to time information might come from the executive branch of the Government to the Congress of the United States in relation to this great experiment—and it was an experiment—in the complete control of the munitions industry so far as its exports were concerned.

It will be noticed, Mr. President, that in this measure, after 4 years' experience, we have emphasized more than any other single thing that the primary function of the Munitions Control Board is to keep Congress informed in regard to the exportation of munitions. We have required that reports shall come to Congress, not merely once a year, as was provided in the original measure, but that they shall come to Congress twice a year; and, in order that we may know the exact effect of the lifting of the arms embargo, if the pending measure shall be adopted, we require that the first report shall be submitted to the Congress on the 1st of January next year.

Mr. President, as a result of the emphasis placed upon the theory of the separation of powers, there has grown up in our country a belief that we have many governments in the United States instead of just one government. The branches of the Government of the United States are coordinate branches. They do not function by themselves. The assumption that we can draw a line between what constitutes executive duty, what constitutes legislative duty, and what constitutes judicial duty, results into utter confusion unless we go into the purposes for which each department or each agency of government is set up.

Probably one of the greatest troubles that has come to us as a nation, is due to the conflict between the Executive and the Senate in regard to treaties. It would be very difficult to draw the exact line between what is an executive duty and what is a legislative duty when it comes to the ratification of treaties. It is extremely difficult to draw the line when it comes to the appointive power of officers of the United States. And when we get out into the realm of administrative law, we discover that we are faced all the time with a rule which does not hold in actual practice. If there is any one thing which will benefit the Government of the United States and insure more certainly the perpetuation of democracy in the United States, it is the bringing of the legislative and the executive closer together in an understanding of things, and having them work for a given objective without being too cautious about stepping on one another's toes.

Mr. President, it will be seen then that this Board is primarily a board which acts for the purpose of gathering information. Although the Board has great powers when it comes to enforcement of the law of the United States, that is the law of the United States and not the law laid down by the Board.

I hope the Senate will accept the amendment.

Mr. CONNALLY. Mr. President, I very much hope the amendment will not be adopted. It is no part of legislative function or duty to undertake to perform an administrative duty. I trust the Senate will vote down the amendment.

Mr. BYRNES. Mr. President, I agree that the duties of administrative character reside in the Secretary of State—certainly in great measure—but in practical operation the members of this Board are specialists, men possessing expert knowledge, who determine what shall be classified as arms and implements of war. They arrive at that determination through an investigation of all the decisions of the armament boards during the years that have passed. When they have reached a conclusion they submit their recommendation to the President.

In addition, by the terms of the pending measure, they are directed to secure information of value for the determination of questions connected with the control of the trade in arms and ammunition. The Board is directed to include in a report to the Congress a list of all persons required to register under the act and to give full information concerning the licenses issued under the act, including the names of the purchasers and the terms of the sales.

Mr. President, it seems to me that should be the duty of administrative officials of the Government and not of Members of the United States Senate or of the House. In practical operation, not the Secretary of State but a representative of his, meets with the other members of the Board two or three or four times a year. When they meet, will the two Senators and two Members of the House come to Washington to meet with them, get a list of the persons to whom licenses were issued and the terms of sale and prepare a report to the Congress? We all know that in practical operation it will not be done. They would be members of a board, meeting with some subordinate officials of the Department. It is something I do not want to see come to pass. I do not think it is necessary. After all, what are the functions of the Board? Its functions are to secure the names of the persons who receive licenses, the terms of sale, and to report back to the Congress, so that Congress shall have the information. It is unnecessary for us to delegate two of our Members to collect such information and bring it back to us.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. BARKLEY. It is provided in the pending measure that reports shall be made twice a year, instead of once a year, as heretofore, but Congress could adopt a resolution once a month, if it wanted to, asking the Board or the Secretary of State for any information concerning the administration of its duties under the law, so that Congress is not lacking in opportunity to obtain the information from the Board as frequently as it wishes.

Mr. BYRNES. Of course, that is true. As often as we think we should receive information we can provide under this measure that such information be furnished. We could require more detailed information. But I do not believe it is necessary, in order to get the information, to appoint two Members of the Senate and two Members of the House to sit with the employees of the Department and assist in procuring a list of the persons who secured licenses and the terms of sale or of the purchases made under this act.

Mr. CLARK of Missouri. Mr. President, will the Senator yield at this point?

Mr. BYRNES. I yield.

Mr. CLARK of Missouri. The very argument the Senator from South Carolina is making as to the nature of the reports required by the Board is certainly an argument in behalf of the proposition that there is no executive function involved in the work of the Board. Its function is purely advisory.

Mr. BYRNES. The Senator was out of the Chamber when I agreed with him. I say that the administrative functions are in the Secretary of State. The only administrative functions are securing the names of the licensees, the names of the persons who make purchases, and the terms of the purchases and preparing the licenses. Presumably if we put Members of Congress on the Board, we want them to act, and not to be mere figureheads. The congressional members of the Board should obtain the names of the purchasers and all the necessary information.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. THOMAS of Utah. I imagine that the Senator from South Carolina was guilty of a slip of the tongue when he called the members of the Board employees. The Senate representatives and the House representatives would sit on the Board.

Mr. BYRNES. It was not a slip of the tongue. What I said was that my information was to the effect that in practical operation, not the Secretary but an employee of the Secretary acts in obtaining the information. A man who is supposed to have expert knowledge is assigned to the task; and, as a practical matter, up to this time—whether it be right or wrong—my information is that the members of the Board have met only once a year to pass upon the report, and that all the other meetings have been meetings of persons designated by the Secretary.

Mr. THOMAS of Utah. Of course, Mr. President, that is the legal requirement. The Board is required to be convened by the chairman and to hold at least one meeting a year.

Mr. BYRNES. That has been done. It has just occurred to me that with the Board meeting throughout the year, at times when Congress is not in session, it would be a very unusual thing to have Members of Congress as members of the Board. I do not think it is necessary when we require the Board to report all the information twice a year so that Congress may have all the information that is necessary.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. CLARK of Missouri. The Senator may not think it would do any good, but he has not assigned any reasons why it would do any harm.

Mr. BYRNES. I have stated the reasons why I believe it would be unnecessary. I do not think it would do any harm. I do not think it would do any harm for a Member of the Senate and a Member of the House to sit on each of the numerous boards which are directed to obtain information and submit it to the Congress. I wonder if they would do it, and I wonder if it is necessary.

Mr. CLARK of Missouri. Mr. President, will the Senator yield further?

Mr. BYRNES. I yield.

Mr. CLARK of Missouri. For many years, long before either of us came to the Senate, I was associated with the Senator from South Carolina. I have never known him to fail to perform a public duty which was assigned to him.

Does not the Senator think it might be very helpful in a Board of this magnitude if the Senator from South Carolina, for example, were appointed by the Vice President to sit on the Board, so that when Senators in the best of faith were anxious to find out what was going on in the National Munitions Board they would have a right to ask the Senator from South Carolina, who, in the full performance of his duties—which I know he always gives to any duty assigned to him—could inform the Senate?

Mr. BYRNES. Mr. President, I thought of that when I read the amendment; and I am very frank to say that I pictured what I would do should the President of the Senate appoint me on a board of that kind. I would not serve, and the Senator from Missouri would not serve.

Mr. CLARK of Missouri. The Senator is mistaken. I should be very glad to serve. I do not think I would be appointed.

Mr. BYRNES. I should not be willing to serve as a member of any board in the executive department of the Government to obtain information of the character required and submit it to Congress. I believe I would have something else to do in life which I should prefer to do and which might be of greater importance.

SEVERAL SENATORS. Vote! Vote!

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK] to the amendment in the nature of a substitute.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Lee	Schwartz
Andrews	Donahay	Lodge	Schwellenbach
Austin	Ellender	Lucas	Sheppard
Bailey	Frazier	Lundeen	Shipstead
Bankhead	George	McCarran	Slattery
Barbour	Gerry	McKellar	Smathers
Barkley	Gibson	McNary	Smith
Bilbo	Gillette	Maloney	Stewart
Borah	Green	Mead	Taft
Brown	Guffey	Miller	Thomas, Okla.
Bulow	Gurney	Minton	Thomas, Utah
Burke	Hale	Murray	Townsend
Byrd	Harrison	Neely	Truman
Byrnes	Hatch	Norris	Tydings
Capper	Herring	Nye	Vandenberg
Caraway	Hill	O'Mahoney	Van Nuys
Chandler	Holt	Overton	Wagner
Chavez	Hughes	Pepper	Walsh
Clark, Idaho	Johnson, Calif.	Pittman	White
Clark, Mo.	Johnson, Colo.	Radcliffe	Wiley
Connally	King	Reynolds	
Danaher	La Follette	Russell	

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK] to the amendment in the nature of a substitute.

Mr. CLARK of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I have a general pair with the Senator from Virginia [Mr. GLASS]. I transfer that pair to the Senator from Oregon [Mr. HOLMAN] and will vote. I vote "yea."

Mr. CLARK of Missouri (when Mr. WHEELER's name was called). The senior Senator from Montana [Mr. WHEELER] is unavoidably detained from the Senate. I am authorized to say that if he were present he would vote "yea." He has been unable to secure a pair.

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS] is detained from the Senate because of illness.

The Senator from Washington [Mr. BONE] is also detained because of illness.

The Senator from Arizona [Mr. ASHURST] is absent because of illness in his family.

The Senator from California [Mr. DOWNEY] has been called to one of the Government departments on matters pertaining to the State of California.

The result was announced—yeas 41, nays 45, as follows:

YEAS—41

Adams	Danaher	La Follette	Taft
Barbour	Davis	Lodge	Thomas, Utah
Borah	Donahey	Lucas	Tobey
Bulow	Frazier	Lundeen	Townsend
Burke	Gerry	McCarran	Tydings
Byrd	Gillette	McNary	Vandenberg
Capper	Gurney	Nye	Walsh
Chandler	Hatch	Overton	Wiley
Chavez	Holt	Reynolds	
Clark, Idaho	Johnson, Calif.	Shipstead	
Clark, Mo.	Johnson, Colo.	Slattery	

NAYS—45

Andrews	Gibson	Mead	Sheppard
Austin	Green	Miller	Smathers
Bailey	Guffey	Minton	Smith
Bankhead	Hale	Murray	Stewart
Barkley	Harrison	Neely	Thomas, Okla.
Bilbo	Herring	Norris	Truman
Brown	Hill	O'Mahoney	Van Nuys
Byrnes	Hughes	Pepper	Wagner
Caraway	King	Radcliffe	White
Connally	Lee	Russell	
Ellender	McKellar	Schwartz	
George	Maloney	Schwellenbach	

NOT VOTING—10

Ashurst	Downey	Holman	Wheeler
Bone	Glass	Pittman	
Bridges	Hayden	Reed	

So the amendment of Mr. CLARK of Missouri to the amendment in the nature of a substitute was rejected.

Mr. BARKLEY. Mr. President, I move to reconsider the vote by which the amendment of the Senator from Missouri was rejected.

Mr. CONNALLY. I move to lay that motion on the table.

Mr. CLARK of Missouri and Mr. NYE called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I repeat the announcement of my general pair with the Senator from Virginia [Mr. GLASS]. I transfer that pair to the Senator from Oregon [Mr. HOLMAN] and will vote. I vote "nay."

Mr. CLARK of Missouri (when Mr. WHEELER's name was called). The senior Senator from Montana [Mr. WHEELER] is unavoidably detained from the Senate. I am authorized to say that, if present, he would vote "nay."

The roll call was concluded.

Mr. McNARY. Mr. President, I rise to make a statement in the nature of a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. I think it is proper, before the result of the vote is announced, that we should enter an order vacating the motion to lay on the table and the vote itself, because it was announced earlier in the day, in a colloquy between the able Senator from Kentucky [Mr. BARKLEY] and the Senator from Missouri [Mr. CLARK], that a motion to lay on the table would not be made except in the event an extraneous amendment should be offered. This motion does not come within that classification. This is a regular motion. An amendment which was regular in character was offered to the language of the joint resolution which was defeated, followed by a motion to lay on the table.

For that reason, and in good faith, I appeal to the Senator who made the motion to ask unanimous consent to vacate the order, and the vote on the motion.

Mr. BARKLEY. Mr. President, I think the RECORD will show, and I think all Senators will recall, that this morning when I asked unanimous consent for a limitation of debate the question was asked whether I would myself make a motion or would sanction other Senators making a motion to lay any amendment on the table. I announced that I thought that all amendments should be voted on on their merits if they were pertinent to the question involved in the joint resolution, but that I would not bind myself with respect to extraneous amendments which had no relationship to the question under consideration.

I regard the pledge I made as binding me not to have moved to lay the amendment of the Senator on the table, or to lay any other amendment on the table, and not in any way to

interfere with the consideration of an amendment on its merits. But certainly I had not in mind, and I do not think any Senator had in mind, the matter of laying on the table a motion to reconsider a vote by which an amendment was either adopted or defeated. I certainly had nothing like that in mind, and I do not think the Senator from Missouri did. He did not mention it.

Mr. CLARK of Missouri. Mr. President, I assure the Senator from Kentucky that I had no such purpose in mind.

Mr. BARKLEY. I did not think so. We want to act in good faith in this matter.

Mr. CLARK of Missouri. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK of Missouri. How am I recorded?

The VICE PRESIDENT. The Senator is recorded as voting in the negative.

Mr. CLARK of Missouri. That is correct.

The VICE PRESIDENT. The Senator from Oregon propounded a parliamentary inquiry, and then made a statement. If the Senator desires that the Chair reply, the Chair will do so at this time.

Mr. McNARY. I had in mind a ruling of the Chair as to whether or not this amendment was an extraneous one. If I am misinformed as to the nature of the understanding, of course I would yield; but I still think that what I have stated was the purpose and intent of the colloquy held this morning.

Mr. BARKLEY. I may say to the Senator that the purpose of the colloquy was to prevent the disposition of amendments without their being considered on their merits, and without being disposed of on their merits. Certainly the pending amendment has been so disposed of.

The VICE PRESIDENT. The Chair will state, in response to the parliamentary inquiry of the Senator from Oregon, that there was no order of the Senate regarding this matter this morning, and therefore it does not come within the province of the Chair to determine the propriety of the motion to reconsider or to lay on the table. There was a gentlemen's agreement, in which of course the Presiding Officer had little concern.

Mr. BORAH. Mr. President, the Senator from Missouri stated that he did not have in mind such a motion as the one just made, and of course that settles the matter so far as I am concerned. But I did have in mind such a motion as the one which has been made. I think I was the Senator who brought the matter up in conference. I do not intend to complain at the action which has been taken, but I hope that in the interest of the understanding which some of us had we will not in the future be compelled to meet this kind of a motion.

Mr. CONNALLY. Mr. President, since the Senator from Texas made the motion to lay on the table, I believe I should make some explanation.

The Senator from Texas was not present in the Chamber this morning when the agreement to which the Senator from Oregon referred was made, and he had no information about any such agreement. But when the Senator from Kentucky made the motion to reconsider, the Senator from Texas very promptly concluded that what he wanted was a motion to lay his motion on the table, so following that lead, I made the motion.

Mr. BARKLEY. Mr. President, I certainly do not desire to have any misunderstanding with any Senator, and when today in private conversation I was told that an agreement could be reached to limit debate to 45 minutes on the joint resolution and 45 minutes on amendments, I was asked to give assurance that we would not undertake to dispose summarily of amendments offered by moving to table them, and to give assurance that amendments would be considered on their merits and voted on; and I so stated on the floor.

Mr. BORAH. We went further than that in our conversation. It was to the effect that a Senator would be free to make a motion to table where the matter was clearly extraneous.

Mr. BARKLEY. The Senator may have said "where the matter was clearly extraneous." Publicly and in private conversation I mentioned a certain type of amendments which might be offered which would precipitate a long discussion, which had no relationship to the joint resolution, and that I did not desire to bind myself not to move to table such an amendment if it were offered. But certainly the broad language as to not moving to table any amendment which might come up was not in contemplation. However, I have no desire to quibble over the matter, and I ask unanimous consent that the proceedings following the rejection of the amendment offered by the Senator from Missouri be vacated.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

Mr. CONNALLY. Mr. President, the Senator from Texas desires to say that since he made the motion to table he prefers to make the motion that the proceedings be vacated, because if anyone is offended, the Senator from Texas is the offender, and he was entirely innocent, and had no intention of offending. I make the request, if the Senator from Kentucky is agreeable, that the proceedings be vacated.

Mr. BARKLEY. I made the suggestion because I made the motion to reconsider, and was particeps criminis with the Senator.

The VICE PRESIDENT. Is there objection to the joint request of the Senator from Kentucky and the Senator from Texas that the proceedings by which the motions to reconsider and to lay on the table were voted on be vacated? The Chair hears none.

If Senators will indulge the Chair, the practice of making a motion to reconsider and then to move to lay that motion on the table is a newfangled one in the Senate, but it is very advantageous in bringing proceedings to a final conclusion. It has been used as a weapon of attack as well as of defense. Unless there is a gentlemen's agreement to the contrary, in the opinion of the Chair there is nothing dishonorable about the practice. It is merely a parliamentary procedure employed to bring to a conclusion what Senators may be considering, and to dispose of a matter finally.

Mr. LUCAS. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. Did I correctly understand the decision of the Chair, just announced, to be that the amendment which has been offered by the Senator from Missouri will still be subject to debate at some future time?

The VICE PRESIDENT. It is not now pending. There is nothing pending before the Senate except the amendment reported from the Committee on Foreign Relations in the nature of a substitute for House Joint Resolution 306.

Mr. LUCAS. If I understand correctly, in view of vacating by unanimous consent the recent vote which was taken on the motion made by the Senator from Texas, at some future time before the joint resolution is acted upon by the Senate any Senator will have the right to ask for a reconsideration of this vote, or in some parliamentary way to bring up the question again and debate it.

The VICE PRESIDENT. The Chair does not understand exactly what the parliamentary inquiry is. If the Chair understands the Senator from Illinois to inquire whether or not at some future time a Senator could rise in his place and move to reconsider the vote by which this amendment was defeated, and some other Senator could move to lay that motion on the table, the answer is in the affirmative.

If the Senator is asking when it can be done, the answer is there are 2 days in which it may be done. After 2 days no Senator can be heard to move to reconsider.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK of Missouri. Does that mean 2 legislative days?

The VICE PRESIDENT. The Chair desires to make a statement concerning that matter. The Chair is informed by the parliamentarian that the rule contemplates the lapse of 2 days of actual session.

Senators, sometime the Chair will be obliged to pass on the question of what constitutes a day. The Chair presumes the question will come up after a filibuster has been indulged in, and the Senate continues taking recesses. The Presiding Officer has gone to some trouble, has made some survey, and has also had investigation made by others, on this subject. If ever the time comes for the present Presiding Officer to determine what a "day" means, he will rule that a "day" means 24 hours; that it does not mean an extended period, several weeks or more. The RECORD now shows that the Senate has only had 1 legislative day since the 4th of October. It is now the 24th of October, and this is still the legislative day of the 4th of October. [Laughter.] The Chair will not hold such a period to be a legislative day if the occasion to rule on the subject arises. The Chair will rule that a day consists of 24 hours.

Mr. BARKLEY. Mr. President, I understand the Senator from Missouri has another amendment, which is of some importance, concerning which he would like to address the Senate.

Mr. CLARK of Missouri. I have two further amendments.

Mr. BARKLEY. The Senator does not wish to proceed to argue his amendments this afternoon. I am perfectly agreeable that he offer them now and that they lie on the table, and if other Senators care to offer amendments and have them printed and lie on the table, I have no objection. I am not inviting the presentation of amendments, but I say that Senators may offer them.

Mr. CLARK of Missouri and Mr. AUSTIN rose.

The VICE PRESIDENT. Does the Senator from Kentucky yield; and if so, to whom?

Mr. BARKLEY. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I send to the desk two amendments to the pending substitute, which I ask to lie on the table, to be printed, and to be printed in the RECORD.

There being no objection, the amendments were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Strike out section 11 and substitute:

"Sec. 11. (a) During any war in which the United States is neutral it shall be unlawful for the armed merchant vessels of a belligerent foreign state to enter a port or the territorial waters of the United States or depart therefrom except under the same conditions as other naval surface vessels of belligerent foreign states.

"(b) During any war in which the United States is neutral it shall be unlawful for the submarines of a belligerent foreign state to enter a port or the territorial waters of the United States or to depart therefrom except under such conditions and subject to such limitations and restrictions as the President may prescribe or the Congress enact."

At the proper place to insert the following:

"(c) In the event of the display of the flag of the United States as its own by any vessel of a belligerent foreign state it shall thereafter for a period of 3 months be unlawful for the merchant and naval vessels of that belligerent foreign state to enter the ports or territorial waters of the United States except in cases of force majeure."

Mr. AUSTIN. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a report on neutrality prepared by the national affairs committee of the National Republican Club, adopted by that club on September 26, 1939, and the covering letter. This report favors the passage of the pending joint resolution.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

BENNET, HOUSE & COURTS,
New York, October 23, 1939.

HON. WARREN R. AUSTIN,
The Senate, Washington, D. C.

DEAR SENATOR AUSTIN: In looking over the CONGRESSIONAL RECORD Index from September 21 to October 14, I find that a great many addresses and articles on neutrality have been placed in the RECORD.

The resolution of the National Republican Club, adopted at its October meeting, of which a copy was heretofore sent you, represents the considered thought of a great majority of the club, which has 1,500 members, and we would appreciate it if it could appear in the CONGRESSIONAL RECORD. I enclose a copy.

With personal regards,
Very truly yours,

WILLIAM S. BENNET.

REPORT ON NEUTRALITY BY THE NATIONAL AFFAIRS COMMITTEE

The following unanimous report of the national affairs committee was duly adopted by the National Republican Club at its regular monthly meeting on September 26, 1939:

"It is imperative that our country should keep out of war. We must remain at peace not only to save the lives of American youth but also to make sure that we retain the American form of government and way of life. It would not profit America to enter upon a second European crusade only to find here at the journey's end a regimented nation permanently deprived of its historic freedoms. This view has the support of an overwhelming majority of our people. The important problem is to determine the procedure we ought to follow in order to attain our objective.

"The troubled situation in Europe naturally has made the question of any change in our neutrality laws a subject of grave and earnest inquiry. Differences of view exist and are wide, but we should be slow to attribute to any person, no matter how much his views may differ from our own, any but the highest motives. And it ought not to be necessary to add that the treatment of this serious question should be entirely devoid of partisan politics.

"PEACE AND SECURITY

"In drafting neutrality legislation the maintenance and protection of the peace and security of our own people, so far as attainable without injury to our vital interests, must always be the primary objective. Our neutrality statutes, as they existed prior to the act of 1935, were in accordance with this principle. Those statutes recognized that our intercourse with foreign nations has always been conducted by our executive department and left that department free to meet and consult with the executives of other nations on a footing of equality, and to propose to Congress as any emergency arises such further legislation as the realities of the actual situation may require. Those laws imposed nothing on other nations which we would not have been willing that other nations impose upon us.

"No legislation can be passed, and none ought to be attempted, which will bring about complete equality of opportunity to the warring nations. As a nation at peace with all the contending parties, we ought not to pass legislation that accentuates, minimizes, or offsets advantages.

"PRESENT EMBARGO UNNEUTRAL

"Tested by the foregoing principles, we think that the automatic embargo on shipments to belligerents of arms, ammunition, and implements of war, including airplanes, is unneutral. It is also deceptive. It permits Germany, through Russia and possibly other countries, and perhaps France and England, through Italy and possibly other countries, to obtain at least the benefit of our munitions without the actual transshipment forbidden by the statute. Furthermore, the embargo does not apply to our larger shipments to belligerents of steel, cotton, copper, oil, and many other products indispensable for war purposes. And it has been estimated that these war materials constitute 90 percent of our trade with France and England, as contrasted with a 10-percent trade in munitions of war with those countries. We urge that the automatic-embargo provision be quickly repealed. If this is done, we shall be operating under the principles of international law, with which America and all other countries are largely familiar. These principles are neither perfect nor perfectly understood, but they are the result of the applied experience of centuries of international dealings.

"PRECAUTIONS

"However, to lessen our contacts with the belligerents on the high seas, thus minimizing incidents involving loss of American cargoes, ships, and lives, we favor a 'cash and carry' provision affecting not only munitions but all other materials. If it be urged that Germany is not now in a position to pay and carry away, we answer that there is no reason why a neutral should seek to deprive France and England of the benefits resulting from their sea power and greater financial resources.

"We believe that the provisions of the 1935 Neutrality Act, as amended in 1937, placing restrictions on travel and on loans, and setting up the Munitions Control Board, should be maintained substantially as they now exist.

"PREPAREDNESS ESSENTIAL

"Finally, notwithstanding all our peaceful intentions, we believe that our chief guaranties against being drawn into the European war are preparedness and a clear and steadfast assertion of our rights as a nation. At the time of the World War many foreign military men regarded us as both unwilling and unable to fight for any cause. That was a chief reason for our being drawn into war. Now we have highly resolved to keep our giant strength under restraint and not to become involved in war because of isolated incidents affecting our trade, property, or citizens. But that is not enough. In addition we must let all other nations know by unmistakable declaration and conduct that we will never submit to deliberate and repeated aggression against America itself, nor to clear and persistent violation of the Monroe Doctrine in any other part of the Western Hemisphere.

"It is our considered judgment that repeal of the embargo, adoption of a 'cash and carry' provision, adequate preparedness to repel foreign aggression in this hemisphere, supplemented by a calm and dignified, yet steadfast, insistence upon all of our vital rights, will lead us, even in this world aflame, along the true path of peace.

"NATIONAL AFFAIRS COMMITTEE,
"JOHN EDMOND HEWITT, Chairman.
"WILLIAM S. BENNET,
"Subcommittee Chairman.

"SEPTEMBER 26, 1939."

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 28 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, October 25, 1939, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 24, 1939

The House met at 12 o'clock noon.

Rev. Donald Haven, Order of Friars Minor, Shantung, China, offered the following prayer:

O God, our refuge and our strength, look down with favor upon Thy children crying to Thee. Grant that we may walk in Thy presence, O loving Father, and stand before Thy countenance. Assembled here before Thee, we look to Thee for guidance and assistance; lead us, help us.

Enlighten our minds, O Father of lights, to know the truth and follow it. Grant us an understanding heart to discern between good and evil.

May the power of Thy Holy Spirit be with us, O Lord, that what Thou dost command us to do, we may by Thy mercy accomplish. Thus may every enactment of this law-making body be in all things conformed to the law of God.

O ever-blessed Saviour, Prince of Peace, who for us men and for our salvation didst come down from Heaven, grant peace in our days.

May our every effort be directed toward peace with justice and charity. Peace, peace, O Jesus! Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Vice President had appointed Mr. BARKLEY and Mr. GIBSON members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of executive papers in the following departments and agency:

1. Department of the Navy.
2. Department of the Treasury.
3. Work Projects Administration.

EXTENSION OF REMARKS

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein an article from the Canadian Business magazine of October dealing with our neutrality issue on the subject, Hands Off the United States.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MAGNUSON. Mr. Speaker, 72 years ago this week the United States acquired the Territory of Alaska, and I think it is only fitting and proper that I ask at this time unanimous consent to insert in the RECORD a short article respecting this acquisition, written by a prominent Seattle newspaperman.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE EXTRA SESSION OF CONGRESS

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, a great deal of publicity has been given during the last few days to the probability that the Senate and the House will dispose of the amendment to the Neutrality Act within 2 weeks and the Members of Congress may then go home.